level of safety that is equivalent to, or
greater than, the level of safety achieved
without the exemption.

Request for Comments

In accordance with 49 U.S.C. 31315
and 31136(e), FMCSA requests public
comment from all interested persons on
Hino’s application for an exemption from
49 CFR 393.60. 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
will be considered to the extent
will be filed in the public docket and
in the public docket, relevant
information that becomes available after the
comment closing date. Interested
persons should continue to examine the
public docket for new material.

Issued on: January 13, 2017.

Larry W. Minor,
Associate Administrator for Policy.

DEPARTMENT OF TRANSPORTATION

Federal Transit Administration

[Docket FTA–2017–0001]

Notice of Establishment of Emergency
Relief Docket for Calendar Year 2017

AGENCY: Federal Transit Administration
(FTA), DOT.

ACTION: Notice.

SUMMARY: By this notice, the Federal
Transit Administration (FTA) is
establishing an Emergency Relief Docket
for calendar year 2017 so grantees and
subgrantees affected by national or
regional emergencies may request
temporary relief from FTA
administrative and statutory
requirements.

FOR FURTHER INFORMATION CONTACT:
Bonnie L. Graves, Attorney-Advisor,
Office of Chief Counsel, Federal Transit
Administration, 90 Seventh Street, Ste.
15–300, San Francisco, CA 94103;
phone: (202) 366–0944, fax: (415) 734–
9489, or email, Bonnie.Graves@dot.gov.

SUPPLEMENTARY INFORMATION: Pursuant
to title 49 CFR part 601, subpart D, FTA is
establishing the Emergency Relief
Docket for calendar year 2017. Subsequent to an
emergency or major
disaster, the docket may be opened at

the request of a grantee or subgrantee, or
on the FTA Administrator’s own
initiative.

In the event a grantee or subgrantee
believes the Emergency Relief Docket
should be opened and it has not been
opened, that grantee or subgrantee may
submit a petition to www.regulations.gov
for posting in the
docket (FTA–2017–0001). Alternatively,
a grantee or subgrantee may submit a
petition in duplicate to the FTA
Administrator, via U.S. mail or hand
delivery, to: Federal Transit
Administration, 1200 New Jersey Ave.
SE., Washington, DC 20590; via
telephone, at: (202) 366–4011; via fax, at
(202) 366–3472; via email, to
Bonnie.Graves@dot.gov; or via U.S. mail
or hand delivery to the DOT Docket
Management Facility, 1200 New Jersey
Ave. SE., Room W12–140, Washington,
DC 20590, requesting opening of the
Docket for that emergency
and including the information set forth
below.

All petitions for relief from
a provision of chapter 53 of title 49,
U.S.C. or FTA administrative
requirements must be posted in the
doctor in order to receive consideration by FTA.
The docket is publicly available
and can be accessed 24 hours a day,
seven days a week, via the Internet at
www.regulations.gov. Any grantee or
subgrantee submitting petitions for
relief or comments to the docket
must include the agency name (Federal
Transit Administration) and docket
number FTA–2017–0001. Grantees and
subgrantees making submissions to FTA
or to the docket by mail or hand
delivery should submit two copies.
Grantees and subgrantees are strongly
encouraged to contact their FTA
regional office or notify FTA of the
intent to submit a petition to the
doctor.

In the event a grantee or subgrantee
needs to request immediate relief and
does not have access to electronic
means to request that relief, the
gantee or subgrantee may contact any FTA
regional office or FTA headquarters and
request that FTA staff submit the
petition on its behalf.

Federal public transportation law at
49 U.S.C. 5324(d) provides that a grant
awarded under Section 5324 or under
49 U.S.C. 5307 or 49 U.S.C. 5311 that is
made to address an emergency shall be
subject to the terms and conditions the
Secretary determines are necessary. This
language allows FTA to waive statutory,
otherwise administrative, requirements.

Therefore, grantees affected by an
emergency or major disaster may
request temporary relief, under
section 53 of chapter 53 of title 49, U.S.C.
when a grantee or
subgrantee demonstrates the
requirement(s) will limit a grantee’s or
subgrantee’s ability to respond to an
emergency. Grantees must follow the
procedures set forth below when
requesting a waiver of statutory or
administrative requirements.

A petition for relief shall:
(a) Identify the grantee or subgrantee
and its geographic location;

(b) Identify the section of chapter 53
of title 49, U.S.C., or the FTA policy
statement, circular, guidance document
and/or rule from which the grantee or
subgrantee seeks relief;

(c) Specifically address how a
requirement in chapter 53 of title 49
U.S.C., or an FTA requirement in a
policy statement, circular, agency
guidance or rule will limit a grantee’s or
subgrantee’s ability to respond to an
emergency or disaster; and

(d) Specify if the petition for relief is
one-time or ongoing, and if ongoing
identify the time period for which the
relief is requested. The time period may
not exceed three months; however,
additional time may be requested
through a second petition for relief.

A petition for relief from
administrative requirements will be
conditionally granted for a period of
three (3) business days from the date it
is submitted to the Emergency Relief
Docket. FTA will review the petition
after the expiration of the three business
days and review any comments
submitted thereto. FTA may contact the
grantee or subgrantee that submitted the
request for relief, or any party that
submits comments to the docket, to
obtain more information prior to making
a decision. FTA shall then post a
decision to the Emergency Relief
Docket. FTA’s decision will be based on
whether the petition meets the criteria
for use of these emergency procedures,
the substance of the request, and the
comments submitted regarding the
petition. If FTA does not respond to the
request for relief to the docket within
three business days, the grantee or
subgrantee may assume its petition is
conditioned granted for a period of
three (3) business days; however,
additional time may be requested
through a second petition for relief.

A petition for relief from statutory
requirements will not be conditionally
granted and requires a written decision
from the FTA Administrator.

Pursuant to 49 CFR 604.2(f) of FTA’s
Charter Rule, grantees and subgrantees
may assist with evacuations or other
movement of people that might
otherwise be considered charter
transportation when that transportation is
in response to an emergency declared by
the President, governor, or mayor, or
in an emergency requiring immediate
action prior to a formal declaration,
even if a formal declaration of an emergency is not eventually made by the President, governor or mayor. Therefore, a request for relief is not necessary in order to provide this service. However, if the emergency lasts more than 45 calendar days, the grantee or subgrantee shall follow the procedures set out in this notice.

FTA reserves the right to reopen any docket and reconsider any decision made pursuant to these emergency procedures based upon its own initiative, based upon information or comments received subsequent to the three business day comment period, or at the request of a grantee or subgrantee upon denial of a request for relief. FTA shall notify the grantee or subgrantee if it plans to reconsider a decision. FTA decision letters, either granting or denying a petition, shall be posted in the Emergency Relief Docket and shall reference the document number of the petition to which it relates.

Carolyn Flowers, Acting Administrator.

DEPARTMENT OF TRANSPORTATION

Federal Transit Administration

FTA Fiscal Year 2017 Apportionments, Allocations, Program Information and Interim Guidance

AGENCY: Federal Transit Administration (FTA), DOT.

ACTION: Notice.

SUMMARY: This notice provides interim guidance for programs in FY 2017, announces the apportionments and allocations for programs authorized and funded by the Further Continuing and Security Assistance Appropriations Act, 2017 (Pub. L. 114–254) and provides contract authority, and describes future plans for several competitive programs. The notice also includes locations of FY 2017 apportionment tables and unobligated (or carryover) funds allocated under the competitive programs from prior years.

FOR FURTHER INFORMATION CONTACT: For general information about this notice contact Kimberly Sledge, Director, Office of Transit Programs, at (202) 366–2053. Please contact the appropriate FTA Regional Office for any specific requests for information or technical assistance. FTA Regional Office contact information is available on FTA’s Web site: www.transit.dot.gov.

An FTA headquarters contact for each major program area is included in the discussion of that program in the text of this notice. FTA recommends that stakeholders subscribe on FTA’s Web site www.transit.dot.gov to receive email notifications when new information is available.

SUPPLEMENTARY INFORMATION:

Table of Contents

I. Overview
II. FY 2017 Funding for FTA Programs
   A. Funding Based on the Further Continuing and Security Assistance Appropriations Act, 2017 (Pub. L. 114–254)
   B. Oversight Takedown
   C. FY 2017 Formula Apportionments: Data and Methodology
   III. FY 2017 Program Highlights and Changes
      A. Focus Areas
      IV. FY 2017 Program-Specific Information
         A. Metropolitan Planning Program (49 U.S.C. 5303 and 5305(d))
         B. State Planning and Research Program (49 U.S.C. 5304 and 5305(e))
         C. Urbanized Area Formula Program (49 U.S.C. 5307)
         D. Fixed Guideway Capital Investment Grant Program (49 U.S.C. 5309)
         E. Enhanced Mobility of Seniors and Individuals With Disabilities Program (49 U.S.C. 5310)
         F. Formula Grants for Rural Areas Program (49 U.S.C. 5311)
         G. Rural Transportation Assistance Program (49 U.S.C. 5311(b)(3))
         H. Appalachian Development Public Transportation Assistance Program (49 U.S.C. 5311(c)(2))
         I. Formula Grants for Public Transportation on Indian Reservations Program (49 U.S.C. 5311(j))
         J. Public Transportation Innovation (49 U.S.C. 5312)
         K. Technical Assistance and Workforce Development (49 U.S.C. 5314)
         L. Public Transportation Emergency Program (49 U.S.C. 5324)
         M. Public Transportation Safety Program (49 U.S.C. 5329)
         N. State of Good Repair Program (49 U.S.C. 5337)
         O. Grants for Buses and Bus Facilities Program (49 U.S.C. 5339)
         P. Growing States and High Density States Formula Factors (49 U.S.C. 5340)
         Q. Washington Metropolitan Area Transit Authority Grants
         R. Paul S. Sarbanes Transit in Parks Program (49 U.S.C. 5320)
         V. FTA Policy and Procedures for FY 2017
            A. Automatic Pre-Award Authority To Incur Project Costs
            B. Letter of No Prejudice (LONP) Policy
            C. FY 2017 Annual List of Certifications and Assurances
            D. Civil Rights Requirements
            E. Consolidated Planning Grants
            F. Grant Application Procedures
            G. Grant Management

I. Overview
This document contains important information and interim guidance about existing FTA program statutes (49 U.S.C. 5301, et seq.) and changes resulting from the Fixing America’s Surface Transportation (FAST) Act (Pub. L. 114–94), signed by President Obama on December 4, 2015 and effective on October 1, 2015.


For each FTA program, FTA has provided information on the FY 2017 authorized funding levels, the basis for apportionment or allocation of funds, requirements specific to the program, the period of availability of funds, and other program information. A separate section provides information on pre-award authority as well as other requirements and guidance applicable to FTA programs and grant administration. Finally, the notice includes referred to tables on FTA’s Web site that show $5,323,087,320 in new contract authority apportioned through April 28, 2017 and approximately $1.04 billion in unobligated or carryover contract authority that is available in FY 2017 from prior years.

Information in this document includes references to the existing FTA program guidance and circulars. Some information may have been superseded by new provisions in the FAST Act, but these guidance documents and circulars remain a resource for program management in most areas. FTA intends to revise the guidance as circulars, as appropriate, with an opportunity for public comment where necessary.

II. FY 2017 Funding for FTA Programs
A. Funding Based on the Further Continuing and Security Assistance Appropriations Act, 2017


Current funding availability for each program is identified in section IV of this notice and in Table 1 located on FTA’s FY 2017 Apportionment Web page: www.transit.dot.gov/funding/apportionments.