

Requests To Remove the Requirement That Engines or Motors Be U.S.-Manufactured

Ten commenters disfavored the waiver requirement that engines or motors be produced in the United States as reported under the AALA. Many of those commenters cited supply chain difficulties and long lead times for commercial vans and minivans as a rationale for removing the country-of-origin requirement for engines and motors. One commenter stated that FTA should remove the country-of-origin requirement for motors to promote the adoption of electric vehicles. Several commenters noted that some vehicles currently used in vanpool fleets would not be eligible under this requirement, and that requiring U.S.-manufactured engines and motors would impact fleet usage.

FTA's intent in granting this waiver is to strike a balance between making vanpool-capable vehicles available to public transportation providers, and at the same time maximizing U.S. manufacturing activity in accordance with Executive Order 14005, *Ensuring the Future Is Made in All of America by All of America's Workers*. FTA understands that requiring U.S.-manufactured engines and motors will limit vehicle selection for recipients and may impact turnkey service contractors with existing fleets, compared to if FTA did not require domestic manufacturing at all. However, there are a number of van and minivan models currently available that meet FTA's waiver requirements. The requirement that engines or motors are of U.S. origin strikes a balance between availability and supporting U.S. manufacturing, and therefore, FTA declines to revise it.

Requests To Lengthen the Waiver Period or Perform an Availability Analysis Before Allowing the Waiver To Expire

Sixty-nine commenters—many of them citing COVID-19 supply chain issues and reduced dealership inventory—requested that FTA extend the waiver beyond the proposed two-year period. Many commenters pointed out that FTA's 2016 waiver for vans and minivans lasted for three years. Forty-nine commenters requested that the proposed waiver continue indefinitely until such time as a fully Buy America compliant vehicle becomes available.

FTA's two-year waiver is time-limited, consistent with the waiver principles and criteria contained in the Office of Management and Budget's (OMB) Initial Implementation Guidance, M-22-11. Furthermore, FTA notes that

this waiver applies to contracts entered into during the two-year period, independent of the delivery date of vehicles. For these reasons, FTA declines to extend the waiver period.

Objection to Proposed Waiver

One commenter objected to the proposed waiver, noting that manufacturers had three years under the 2016 waiver to produce a compliant vehicle, and FTA providing another waiver would send the wrong message to industry. The commenter also stated that transit agencies do not conduct adequate market research for their procurements and overall do not do a reasonable job of buying rolling stock.

By law, if FTA denies a request for a nonavailability waiver, FTA must certify a list of known manufacturers from which the required item can be obtained. 49 U.S.C. 5323(j)(6). FTA is presently unable to make that certification because FTA cannot identify a Buy America compliant, unmodified, non-ADA-accessible van or minivan produced in the United States. No bidder or offeror certified compliance with Buy America requirements in response to the procurements conducted by the three waiver applicants. Additionally, FTA conducted outreach to manufacturers with the highest levels of U.S. or Canadian¹ content and U.S. final assembly, and those manufacturers expressed disinterest in participating in FTA-funded procurements due to domestic content and auditing requirements.

FTA's waiver is intended to maximize the domestic content of the vans and minivans procured with Federal assistance, consistent with U.S. Department of Transportation policy goals. FTA will rescind the two-year waiver if, during the waiver period, the FTA determines that a Buy America compliant van or minivan is available.

Finding on Waiver

In accordance with subsection 70916(c) of the Build America, Buy America Act (Title IX of the Infrastructure Investment and Jobs Act, Pub. L. 117-58), FTA consulted with the National Institute of Standards and Technology's Hollings Manufacturing Extension Partnership (MEP), which determined that no domestic entity currently manufactures the subject vans

¹ Reporting under the AALA distinguishes between the United States and Canada for the location of final assembly and the country of origin of engines and transmissions, but it does not distinguish between the United States and Canada for content levels. 49 U.S.C. 32304(b)(A); 49 CFR 583.5.

and minivans in compliance with Buy America requirements, and that supplier scouting by MEP is not warranted.

Therefore, for the reasons stated in FTA's July 19, 2022, notice of proposed nonavailability waiver and based on comments received from the public, FTA is granting the waiver as proposed.

For mass-produced, unmodified non-ADA accessible vans and minivans with seating capacity for at least six adults not including the driver, in lieu of applying the Buy America standards for rolling stock, FTA will require:

(1) Final assembly must be in the United States, as reported to NHTSA under the AALA;

(2) The country of origin of the engine or (in the case of electric vehicles), motor must be the United States, as reported to NHTSA under the AALA;

(3) The waiver is available to all FTA grant recipients;

(4) The waiver expires two years from the date this notice is published in the **Federal Register**, or upon FTA's publication of a **Federal Register** notice rescinding the waiver after determining that a fully Buy America-compliant vehicle has become available, whichever occurs first.

For the duration of this partial general nonavailability waiver, FTA recipients do not need to submit individual applications for nonavailability waivers for these vehicles.

Nuria I. Fernandez,
Administrator.

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DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA-2022-0045]

Agency Information Collection Activities; Notice and Request for Comment; Influence of Drivers' Internal Reasoning on Speeding

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

ACTION: Notice and request for comments on a proposed collection of information.

SUMMARY: The National Highway Traffic Safety Administration (NHTSA) invites public comments about our intention to request approval from the Office of Management and Budget (OMB) for a proposed collection of information. Before a Federal agency can collect certain information from the public, it

must receive approval from OMB. Under procedures established by the Paperwork Reduction Act of 1995, before seeking OMB approval, Federal agencies must solicit public comment on proposed collections of information. This document describes a collection of information for which NHTSA intends to seek OMB approval on the Influence of Drivers' Internal Reasoning on Speeding.

DATES: Comments must be submitted on or before December 27, 2022.

ADDRESSES: You may submit comments identified by the Docket No. NHTSA–2022–0045 through any of the following methods:

- *Electronic submissions:* Go to the Federal eRulemaking Portal at <http://www.regulations.gov>. Follow the online instructions for submitting comments.

- *Fax:* (202) 493–2251.

- *Mail or Hand Delivery:* Docket Management, U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building, Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays. To be sure someone is there to help you, please call (202) 366–9322 before coming.

Instructions: All submissions must include the agency name and docket number for this notice. Note that all comments received will be posted without change to <http://www.regulations.gov>, including any personal information provided. Please see the Privacy Act heading below.

Privacy Act: Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477–78) or you may visit <https://www.transportation.gov/privacy>.

Docket: For access to the docket to read background documents or comments received, go to <http://www.regulations.gov> or the street address listed above. Follow the online instructions for accessing the dockets via internet.

FOR FURTHER INFORMATION CONTACT: For additional information or access to background documents, contact Stacy Jeleniewski, Ph.D., Office of Behavioral Safety Research (NPD–310), (202) 366–2752 (office), (202) 981–3173 (cell), Stacy.Jeleniewski@dot.gov, National Highway Traffic Safety Administration,

W46–491, 1200 New Jersey Avenue SE, Washington, DC 20590.

SUPPLEMENTARY INFORMATION: Under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), before an agency submits a proposed collection of information to OMB for approval, it must first 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 regulation (at 5 CFR 1320.8(d)), an agency must ask for public comment on the following: (a) 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; (b) 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; (c) how to enhance the quality, utility, and clarity of the information to be collected; and (d) 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 for public comments on the following proposed collection of information for which the agency is seeking approval from OMB.

Title: Influence of Drivers' Internal Reasoning on Speeding.

OMB Control Number: New.

Form Numbers: NHTSA Form 1659.

Type of Request: Approval of a New Information Collection.

Type of Review Requested: Regular.

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

Summary of the Collection of Information: NHTSA is seeking approval to conduct a survey of 1,500 licensed drivers in Washington State age 18 and older regarding speeding. The study will coordinate with the Washington Traffic Safety Commission and Washington Department of Licensing to survey drivers in the State who received one or more speeding convictions in the last three years and drivers not convicted of speeding in that same time-frame. Participation in the study will be voluntary. The study will use a self-administered web-based survey with a paper survey option

available. The survey will include general and speeding-specific questions about moral reasoning (judgments about rightfulness and wrongfulness), legal reasoning (judgments about lawfulness and unlawfulness), and attitudes and perceptions of laws, enforcement, and sanctions. Past speeding behavior and intent to speed in the future will also be assessed.

In conducting the proposed research, the survey will use computer-assisted web interviewing (*i.e.*, a programmed, self-administered, web survey) to facilitate ease of use and maximize data accuracy. Although web will be the primary data collection mode, a paper questionnaire will be sent to households that do not respond to the web invitations. The proposed survey will be anonymous, and the survey will not collect any personal identifying information. This collection only requires respondents to report their answers; there are no record-keeping costs to the respondents. Individuals receiving a survey invitation will receive compensation in return for their activities.

The results of this research will assist NHTSA in better understanding how to develop successful programs to improve driver safety. The technical report will be distributed to a variety of audiences interested in improving highway safety. This collection will inform the development of countermeasures, particularly in the areas of communications and outreach intended to reduce speeding.

Description of the Need for the Information and Proposed Use of the Information: NHTSA was established to reduce the 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 traffic safety programs. Title 23, United States Code, Section 403 gives the Secretary of Transportation (NHTSA by delegation) authorization to use funds appropriated to conduct research and development activities, including demonstration projects and the collection and analysis of highway and motor vehicle safety data and related information, with respect to all aspects of highway and traffic safety systems and conditions relating to vehicle, highway, driver, passenger, motorcyclist, bicyclist, and pedestrian characteristics; accident causation and investigations; and human behavioral factors and their effect on highway and traffic safety. Speeding behavior is an area for which NHTSA has developed comprehensive

programs to meet its injury reduction goals. The major components of speeding safety programs are education, enforcement, and outreach, with legislative efforts added to the mix.

Speeding continues to be a major safety problem. In 2019, speeding was a contributing factor in 26% of fatal, 12% of injury, and 9% of property-damage-only crashes. Motor vehicle crashes in 2019 where at least one driver was speeding accounted for 9,478 fatalities. That same year, 326,000 people were injured in speeding-related traffic crashes.¹ To address the safety problem, NHTSA has provided State Highway Safety Offices and safety advocates with information on attitudes and behaviors of drivers who speed, including changes across time, and classified speeder types.^{2,3} NHTSA is continuing these efforts and attempting to assist the development of more tailored countermeasures by conducting this new study to evaluate additional psychological factors that may predict speeding behavior.

In order to design countermeasures that address directly the factors that influence speeding behavior and intention to engage in this behavior, it is necessary to understand as much as

possible about the internal reasoning of drivers who speed. Insight into factors such as judgments about whether speeding is morally right or wrong and perceptions of the legitimacy of the speed laws, enforcement, and sanctions can help to develop tailored and effective interventions. This study will examine these factors by conducting a survey of speeders and non-speeders. NHTSA will use the findings to assist States, localities, and communities in developing and refining countermeasures that will aid in their efforts to reduce speeding behavior and speeding-related crashes and injuries.

NHTSA will disseminate the information from this study in a technical report. The technical report will provide aggregate (summary) statistics and tables as well as the results of statistical analysis of the information, but it will not include any personally identifiable information (PII). The technical report will be shared with State highway offices, local governments, and those who develop traffic safety communications that aim to reduce speeding behavior and speeding-related crashes.

Affected Public: Participants are eligible for the survey if they are (1)

licensed drivers in the State of Washington at the time the sample is drawn; (2) age 18 and older; (3) randomly selected from the total drivers in Washington State in three groups based on the number of speeding convictions on their driver record (0; 1; and 2+).

Estimated Number of Respondents: Participation in this study will be voluntary. The study anticipates contacting up to 4,545 adult licensed drivers from Washington State to obtain no more than 1,500 completed surveys.

Frequency of Collection: The study will be conducted one time during the three-year period for which NHTSA is requesting approval.

Estimated Total Annual Burden Hours: NHTSA estimates the approximate time to complete the survey is 20 minutes per participant. Details of the burden hours for each wave in the survey are included in Table 1 below. When rounded up to the nearest whole hour for each data collection effort, the total estimated annual burden from the project activities for 1,500 participants is 501 hours.

TABLE 1—ESTIMATED TOTAL BURDEN FOR SURVEY

Wave	Number of contacts	Participant type	Estimated burden per sample unit (in minutes)	Frequency of burden	Number of sample units	Total burden hours *
Wave 1 (Initial Invitation)	4,545	Recruited participant—Eligible respondent	20	1	495	165
Wave 2 (Reminder Postcard #1).	4,050	Recruited participant—Eligible respondent	20	1	297	99
Wave 3 (1st Survey Mailing—NHTSA Form 1659).	3,753	Recruited participant—Eligible respondent	20	1	376	126
Wave 4 (Reminder Postcard #2).	3,377	Recruited participant—Eligible respondent	20	1	188	63
Wave 5 (2nd Survey Mailing—NHTSA Form 1659).	3,189	Recruited participant—Eligible respondent	20	1	144	48
Total						501

* Rounded up to the nearest hour.

Estimated Total Annual Burden Cost: Participation in this study is voluntary, and there are no costs to respondents beyond the time spent completing the questionnaires.

Public Comments Invited: You are asked to comment on any aspects of this information collection, including (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Department, including whether the

information will have practical utility; (b) the accuracy of the Department's estimate of the burden of the proposed information collection; (c) ways to enhance the quality, utility and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including the use of automated collection techniques or other forms of information technology.

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. chapter 35, as amended; 49 CFR 1.49; and DOT Order 1351.29A.

Nanda Narayanan Srinivasan,

Associate Administrator, Research and Program Development.

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¹ National Center for Statistics and Analysis. (2021, October). *Speeding: 2019 data* (Traffic Safety Facts. Report No. DOT HS 813 194). National Highway Traffic Safety Administration.

² Richard, C.M., Campbell, J.L., Lichty, M.G., Brown, J.L., Chrysler, S., Lee, J.D., Boyle, L., & Reagle, G. (2012, August). *Motivations for speeding, Volume I: Summary report*. (Report No. DOT HS 811 658). Washington, DC: National Highway Traffic Safety Administration.

³ Schroeder, P., Kostyniuk, L., & Mack, M. (2013, December). *2011 National Survey of Speeding Attitudes and Behaviors*. (Report No. DOT HS 811 865). Washington, DC: National Highway Traffic Safety Administration.