

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 comments, FMCSA will also continue to file, 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.

[FR Doc. 2017-01265 Filed 1-18-17; 8:45 am]

BILLING CODE 4910-EX-P

## 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](mailto: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](http://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](mailto: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 docket 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](http://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 and notify FTA of the intent to submit a petition to the docket.

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 grantee 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, as well as administrative, requirements. Therefore, grantees affected by an emergency or major disaster may request waivers of provisions 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 granted for a period not to exceed three months until and unless FTA states otherwise.

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.*

[FR Doc. 2017-01172 Filed 1-18-17; 8:45 am]

**BILLING CODE P**

## 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](http://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](http://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 Relief 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 Grants
  - 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.

In addition, this document provides notice of funding availability through April 28, 2017 by the Further Continuing and Security Assistance Appropriations Act, 2017 (Pub. L. 114–254) contract authority for FTA formula and competitive programs pursuant to the Further Continuing and Security Assistance Appropriations Act, 2017 (Pub. L. 114–254) (“Continuing Appropriations Act”).

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 and 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

The Further Continuing and Security Assistance Appropriations Act, 2017 (Pub. L. 114–254) makes new funding available for FY 2017 available through April 28, 2017. At approximately seven twelfths of the FY 2016 level.

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](http://www.transit.dot.gov/funding/apportionments).