

track frog guard check and face gage dimensions. In addition, AAR is requesting that FRA amend the waiver to include relief from 49 CFR 213.355—*Frog guard rails and guard faces; gage* to allow trains to operate at Class 6 speeds over HPF designs with guard-check gages conforming to the standards for Class 4 track frog guard check and face gage dimensions.

A copy of the petition, as well as any written communications concerning the petition, is available for review online at [www.regulations.gov](http://www.regulations.gov) and in person at the Department of Transportation's Docket Operations Facility, 1200 New Jersey Ave. SE., W12-140, Washington, DC 20590. The Docket Operations Facility is open from 9 a.m. to 5 p.m., Monday through Friday, except Federal Holidays.

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested parties desire an opportunity for oral comment, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

All communications concerning these proceedings should identify the appropriate docket number and may be submitted by any of the following methods:

- *Web site:* <http://www.regulations.gov>.

Follow the online instructions for submitting comments.

- *Fax:* 202-493-2251.
- *Mail:* Docket Operations Facility, U.S. Department of Transportation, 1200 New Jersey Avenue SE., W12-140, Washington, DC 20590.
- *Hand Delivery:* 1200 New Jersey Avenue SE., Room W12-140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays.

Communications received by October 6, 2017 will be considered by FRA before final action is taken. Comments received after that date will be considered if practicable.

Anyone can search the electronic form of any written communications and comments received into any of our dockets by the name of the individual submitting the comment (or signing the document, if submitted on behalf of an association, business, labor union, etc.). Under 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its processes. DOT posts these comments, without edit, including any personal information the commenter provides, to [www.regulations.gov](http://www.regulations.gov), as

described in the system of records notice (DOT/ALL-14 FDMS), which can be reviewed at <https://www.transportation.gov/privacy>. See also <https://www.regulations.gov/privacyNotice> for the privacy notice of [www.regulations.gov](http://www.regulations.gov).

Issued in Washington, DC, on August 17, 2017.

**John Karl Alexy,**

*Director, Office of Safety Analysis.*

[FR Doc. 2017-17738 Filed 8-21-17; 8:45 am]

**BILLING CODE 4910-06-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Transit Administration

#### Pilot Program for Nonprofit Cooperative Procurements

**AGENCY:** Federal Transit Administration, DOT.

**ACTION:** Notice; request for expressions of interest to participate.

**SUMMARY:** The Federal Transit Administration (FTA) announces the establishment of the Pilot Program for Nonprofit Cooperative Procurements (Pilot Program) and solicits expressions of interest from eligible nonprofit entities to participate. The Pilot Program is aimed at increasing innovation, promoting efficiency, and demonstrating the effectiveness of cooperative procurement contracts for rolling stock and related equipment administered by eligible nonprofit entities.

**DATES:** Expressions of interest to become one of the selected nonprofit entities in the Pilot Program for Nonprofit Cooperative Procurements must be received by October 23, 2017.

**ADDRESSES:** Expressions of interest may be submitted via U.S. mail, electronic mail, or fax. Mail submissions must be addressed to the Office of Acquisition Management, Federal Transit Administration, 1200 New Jersey Avenue SE., Room E42-332, Washington, DC 20590. Email submissions must be sent to [NonprofitPilotProgram@dot.gov](mailto:NonprofitPilotProgram@dot.gov). Facsimile submissions must be submitted to the attention of Nonprofit Pilot Program at 817-978-0575. If there is an insufficient number of eligible nonprofit entities that meet the requirements of the Pilot Program, FTA may solicit additional interest in the future.

**FOR FURTHER INFORMATION CONTACT:** For program matters, James Harper, FTA Office of Acquisition Management, telephone (202) 366-1127 or email

[James.Harper@dot.gov](mailto:James.Harper@dot.gov). For legal matters, Eldridge Onco, FTA Office of Chief Counsel, telephone (817) 978-0557 or email [Eldridge.Onco@dot.gov](mailto:Eldridge.Onco@dot.gov).

#### SUPPLEMENTARY INFORMATION:

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#### I. Background

Section 3019 of the Fixing America's Surface Transportation (FAST) Act, Public Law 114-94, permits FTA grantees to purchase rolling stock and related equipment from cooperative procurement contracts entered into by either a State government or an eligible nonprofit entity and 1 or more vendors. Section 3019 was designed to address the high purchasing costs attributable to the relatively small size of the procurements for rolling stock and related equipment, particularly for small and rural public transportation providers. Many States currently have authority to enter into cooperative purchasing contracts, also known as "state schedules." However, such authority was not previously extended to nonprofit entities.

The statute creates a pilot program to demonstrate the effectiveness of cooperative procurement contracts administered by nonprofit entities. These contracts are intended to be separate from State cooperative purchasing contracts and provide another opportunity for public transportation systems of all sizes to enhance their purchasing options.

#### II. Pilot Program Description

Section 3019(b)(3) establishes a Pilot Program to demonstrate the effectiveness of cooperative procurement contracts administered by eligible nonprofit entities. The objective of this innovative procurement approach is to enhance the purchasing options for all public transportation systems. FTA plans to assess the benefits and effectiveness of the Pilot Program to assist grantees in developing more efficient and innovative approaches to acquiring rolling stock and related equipment.

A cooperative procurement contract in the Pilot Program means a contract between an eligible nonprofit entity and 1 or more vendors under which the vendors agree to provide an option to purchase rolling stock and related equipment to multiple grantee participants. Where permitted by State

law, a grantee may participate in a cooperative procurement contract under the Pilot Program without regard to whether the grantee is located in the same State as the lead nonprofit entity. Participation by FTA grantees in a nonprofit cooperative procurement under the Pilot Program is voluntary.

Nonprofit entities selected for the Pilot Program may enter into a cooperative procurement contract for an initial term of not more than 2 years. The contract may include not more than 3 optional extensions for terms of not more than 1 year each. Thus, the contract may be in effect for a total period of not more than 5 years, including each extension.

A lead nonprofit entity selected for the Pilot Program shall develop the terms of the contract and the contract must be solicited and awarded in accordance with all applicable FTA and Federal standards, requirements, and policies. The applicable FTA and Federal procurement standards, requirements, and policies, including FTA's Buy America requirements, are set forth in 49 U.S.C. chapter 53, FTA's implementing regulations, FTA's Master Agreement, 2 CFR parts 200 and 1201, and FTA Circular 4220.1F.

### III. Eligibility Information

Section 3019 specifies that FTA must select no fewer than 3 eligible nonprofit entities for the Pilot Program. Per the FAST Act, an eligible nonprofit entity for the Pilot Program may be either a nonprofit cooperative purchasing organization that is not an FTA grantee or subgrantee, or a consortium of eligible nonprofit cooperative purchasing organizations. A local government or a tribal government is not an eligible nonprofit entity under the Pilot Program.

Successful entities are expected to develop and issue a solicitation for a cooperative procurement contract within 60 days of their selection into the Pilot Program. The solicitation of a contract must be conducted through a competitive process that will comply with FTA's full and open competition standard and Federal and FTA procurement requirements and policies. To promote the fullest opportunity for grantees to participate in the Pilot Program, FTA anticipates that cooperative procurement contracts will be open and available to all FTA grantees. To address special circumstances, however, FTA may consider a cooperative procurement contract in the Pilot Program which may be limited only to recipients in one or more of FTA's grant programs.

A lead nonprofit entity in the Pilot Program may charge participants in the contract for the cost of administering, planning, and providing technical assistance for the contract in an amount that is not more than 1 percent of the total value of the participant's order placed on the contract. The 1 percent charge may either be incorporated into the price of the rolling stock and related equipment offered under the cooperative procurement program or directly charge the grantee participants for the costs, but not both. If the nonprofit directly charges the grantee participants for the costs, it cannot charge any individual grantee more than 1 percent of the total value of the grantee's order.

### IV. Expression of Interest Submission Process

Interested nonprofit entities for the Pilot Program must submit the required information by U.S. mail, email or facsimile by October 23, 2017, as specified in the **DATES** section of this notice, above. FTA reserves the right to request additional clarifying information from any and all applicants before making a selection to participate in the Pilot Program. Nonprofit entities wishing to participate in the Pilot Program must submit an expression of interest to FTA no longer than 10 pages in length including any supporting documentation.

Interested nonprofit entities must provide the following information to FTA in narrative format or as otherwise instructed:

a. A description of the procurement experience held by the personnel in the applicant's organization, including sufficient information to demonstrate the ability to successfully carry out and administer a cooperative procurement contract or contracts;

b. A description of the familiarity of the applicant's personnel with Federal and FTA procurement standards, requirements, and policies;

c. A description to show how the applicant's program will be administered. This description should include, but not be limited to, the process by which vendors will be selected for the cooperative procurement contract, the process by which grantee participants will be registered in the program and the process for grantee participants to place orders on a cooperative procurement contract.

d. The articles of incorporation of the applicant to demonstrate that the purpose of the nonprofit organization is consistent with the purpose of the Pilot Program;

e. Evidence that the applicant possesses adequate financial capacity to successfully administer a cooperative procurement contract or contracts;

f. Documentation that the applicant is a nonprofit entity in good standing in the State of incorporation; and,

g. Certification that the applicant is not indebted to a Federal or State taxing authority.

### V. Application Review

FTA will evaluate the submissions to determine which applicants demonstrate they have the capability to effectively enter into and administer a cooperative procurement contract. FTA will select no fewer than three geographically diverse applicants from the submitted expressions of interest to be part of the Pilot Program, except that if there are less than three applicants able to meet the requirements of the Pilot Program, FTA may solicit additional interest in the future. FTA will evaluate the experience, legal, technical, and financial capacity of interested nonprofit entities to implement the Pilot Program successfully.

### VI. Pilot Program Administration

#### 1. Notice

After an announcement by the FTA Administrator or designee of the final selection(s) posted on the FTA Web site, FTA may publish final selections for the Pilot Program in the **Federal Register**.

All information submitted as part of or in support of the Pilot Program application shall be publicly available data or data that can be made public and methodologies that are accepted by industry practice and standards, to the extent possible. If the submission includes information the applicant considers to be a trade secret or confidential commercial or financial information, the applicant should do the following: (1) Note on the front cover that the submission "Contains Confidential Business Information (CBI);" (2) mark each affected page "CBI;" and (3) highlight or otherwise denote the CBI portions. FTA protects such information from disclosure to the extent allowed under applicable law. If FTA receives a Freedom of Information Act (FOIA) request for the information, FTA will follow the procedures described in the U.S. DOT FOIA regulations at 49 CFR 7.17. Only information that is ultimately determined to be confidential under that procedure will be exempt from disclosure under FOIA. Should FTA receive an order from a court of competent jurisdiction ordering the

release of the information, FTA will provide the applicant timely notice of such order to allow the applicant the opportunity to challenge such an order. FTA will not challenge a court order on behalf of an applicant.

## 2. Pilot Program Administration and Reporting Requirements

The Pilot Program is not funded with Federal funds; selected nonprofit entities may charge the grantee participants in the cooperative procurement contract for the cost of administering, planning, and providing technical assistance for the contract in an amount that is not more than 1 percent of the contract price. The selected nonprofit entity may incorporate the cost into the price of the contract or directly charge the grantee participants for the cost, but not both.

To achieve a comprehensive understanding of the utility and effectiveness of the Pilot Program, FTA, or its designated independent evaluator, will require access to project data. Selected nonprofit entities should be prepared to collect and maintain data related to participating vendors, participating grantees, and the quantity and price of rolling stock and related equipment procured by grantees through the cooperative procurement.

## 3. Expiration of Pilot Program

After selection of eligible nonprofit entities for the Pilot Program, the Pilot Program will expire six years from the publication of this notice in the **Federal Register** or when the contract with the longest term, including option periods, awarded by a nonprofit entity in the Pilot Program expires, whichever date is earlier.

**Matthew J. Welbes,**  
Executive Director.

[FR Doc. 2017-17606 Filed 8-21-17; 8:45 am]

**BILLING CODE P**

## DEPARTMENT OF TRANSPORTATION

### Federal Transit Administration

#### Limitation on Claims Against Proposed Public Transportation Projects

**AGENCY:** Federal Transit Administration (FTA), DOT.

**ACTION:** Notice.

**SUMMARY:** This notice announces a final environmental action taken by the Federal Transit Administration (FTA) for a project in Hudson County, New Jersey. The purpose of this notice is to announce publicly the environmental decision by FTA on the subject project

and to activate the limitation on any claims that may challenge this final environmental action.

**DATES:** By this notice, FTA is advising the public of final agency actions subject to Section 139(l) of Title 23, United States Code (U.S.C.). A claim seeking judicial review of FTA actions announced herein for the listed public transportation projects will be barred unless the claim is filed on or before January 19, 2018.

**FOR FURTHER INFORMATION CONTACT:** Nancy-Ellen Zusman, Assistant Chief Counsel, Office of Chief Counsel, (312) 353-2577 or Alan Tabachnick, Environmental Protection Specialist, Office of Environmental Programs, (202) 366-8541. 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 action by issuing a certain approval for the public transportation project listed below. The action on the project, as well as the laws under which such action was taken, is 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 administrative record for the project. Interested parties may contact either the project sponsor or the FTA Regional Office for more information. Contact information for FTA's Regional Offices may be found at <https://www.fta.dot.gov>.

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 action was taken, including, but not limited to, NEPA [42 U.S.C. 4321-4375], Section 4(f) of the Department of Transportation Act of 1966 [49 U.S.C. 303], Section 106 of the National Historic Preservation Act [16 U.S.C. 470f], 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 and action that are the subject of this notice follows:

*Project name and location:* Portal Bridge Capacity Enhancement Project, Hudson County, New Jersey. *Project Sponsor:* New Jersey Transit Corporation. *Project description:* This project consists of the demolition of the 100-year old moveable swing-span two-track Portal Bridge between the Town of Kearny and the Town of Secaucus, and its replacement with two new bridges: a northern fixed two-track bridge and a southern fixed two-track bridge. The

existing Portal Bridge experiences frequent mechanical and operational failures which pose reliability concerns, capacity constraints, operational inflexibility, and commuter delays along the Northeast Corridor. Additionally, the bridge's low vertical clearance conflicts with maritime uses. By replacing the movable two-track bridge with two fixed two-track bridges at higher elevations, this project will increase reliability and operational flexibility, eliminate capacity constraints, reduce commuter delays, and support additional maritime uses along the Northeast Corridor. In 2008, the Federal Railroad Administration (FRA) completed an Environmental Impact Statement (EIS) for this project; FTA was a cooperating agency. FRA subsequently issued a Record of Decision (ROD) and completed three re-evaluations in 2010, 2011, and 2016. FTA has reviewed the environmental record, and in accordance with 40 CFR 1506.3 and 23 U.S.C. 139, FTA is issuing a ROD which adopts FRA's EIS. *Final agency actions:* Section 4(f) determination (included in the EIS, dated December 23, 2008), an amendment to the Section 106 Memorandum of Agreement dated July 25, 2017 which adds FTA as a signatory, project-level air quality conformity, and a ROD dated July 25, 2017. *Supporting documentation:* EIS with ROD dated December 23, 2008, Re-evaluation dated May 2010; Re-evaluation dated January 2011; and Re-evaluation dated August 2016.

**Lucy Garliauskas,**

Associate Administrator Planning and Environment.

[FR Doc. 2017-17723 Filed 8-21-17; 8:45 am]

**BILLING CODE 4910-57-P**

## UNITED STATES SENTENCING COMMISSION

### Final Priorities for Amendment Cycle

**AGENCY:** United States Sentencing Commission.

**ACTION:** Notice of final priorities.

**SUMMARY:** In June 2017, the Commission published a notice of proposed policy priorities for the amendment cycle ending May 1, 2018. See 82 FR 28381 (June 21, 2017). After reviewing public comment received pursuant to the notice of proposed priorities, the Commission has identified its policy priorities for the upcoming amendment cycle and hereby gives notice of these policy priorities.

**FOR FURTHER INFORMATION CONTACT:** Christine Leonard, Director, Office of Legislative and Public Affairs, (202) 502-4500, [pubaffairs@ussc.gov](mailto:pubaffairs@ussc.gov).

**SUPPLEMENTARY INFORMATION:** The United States Sentencing Commission is an independent agency in the judicial branch of the United States Government. The Commission promulgates sentencing guidelines and