Background

The Maintenance and Construction Operations (MCO) User Service describes the need for effectively integrating ITS maintenance and construction services with other ITS services. Generally, key MCO services include monitoring, operating, maintaining, improving, and managing the physical condition of the roadway, associated infrastructure equipment on the roadway, and the available resources necessary to conduct these activities. The functional areas addressed in the Maintenance and Construction Operations User Service are those that involve ITS technologies, integration with other transportation systems that are represented in the National ITS Architecture, and those that will benefit surface transportation efficiency and safety.

The MCO User Service requires ITS-related systems and processes to have the capability to monitor, analyze, and disseminate roadway conditions data for operational, maintenance, and managerial uses. It prescribes the need to coordinate and integrate MCO activities within diverse organizations in order to reduce costs, maintain or improve the efficiency and effectiveness of these activities, and increase the level of reusability of systems and technologies. In spite of its rural origin, the MCO User Service is applicable to urban, interurban, and rural environments.

The focus for the MCO User Service will be on the following four functional areas: *1. Maintenance Vehicle Fleet Management:* Systems that monitor/track vehicle location, support enhanced routing, scheduling, and dispatching functions, and use on-board diagnostic systems to assist in vehicle operations and maintenance activities. An example would be snow removal equipment dispatch and monitoring systems.

2. Roadway Management: Systems that provide automated monitoring of traffic, road surface, and weather conditions (from both roadside components and vehicles), contain coordinated dispatching, perform hazardous road conditions remediation, and have the ability to alert public operating agencies of changes in these conditions.

3. Work Zone Management and Safety: Systems that ensure safe roadway operations during construction and other work zone activities and communicate with the traveler.

4. Roadway Maintenance Conditions and Work Plan Dissemination: Systems that disseminate/coordinate MCO work plans to affected personnel/staff within/between public agencies and private sector firms.

Stakeholder Participation

Interested parties are invited to participate in the incorporation of the Maintenance and Construction Operations User Service into the National ITS Architecture. A one day workshop to kick off the new user service effort to incorporate changes into the National ITS Architecture will be scheduled in the near future. If you are interested in participating with us in this effort please contact Mr. James Pol (202) 366–4374, ITS Joint Program Office (HOIT–1), or Mr. Michael Freitas, (202) 366–9292, ITS Joint Program Office (HOIT–1).

Authority: 23 U.S.C. 101, 106, 109, 133, 315, and 508; sec 5206(e), Pub. L. 105–178, 112 Stat. 457 (23 U.S.C. 502 note); and 49 CFR 1.48.

Issued on: April 11, 2001.

Vincent F. Schimmoller,

Deputy Executive Director.

[FR Doc. 01–9539 Filed 4–17–01; 8:45 am]

BILLING CODE 4910–22–P

DEPARTMENT OF TRANSPORTATION

Federal Transit Administration

Notice of Granted Buy America Waiver

AGENCY: Federal Transit Administration (FTA), DOT.

ACTION: Notice of granted Buy America Waiver.

SUMMARY: This waiver allows construction contractors to use Omer heavy-duty parallelogram lifts in vehicle garages without violating the Buy America regulations. It is predicated on the grounds that sufficient competition among suppliers is in the public interest and was granted on February 14, 2001, for the period of two years, or until such time as a second domestic source for the lift becomes available, whichever occurs first. This notice shall insure that the public, particularly potential manufacturers, is aware of this waiver. FTA requests that the public notify it of any relevant changes in the domestic market.

FOR FURTHER INFORMATION PLEASE CONTACT: Meghan G. Ludtke, FTA Office of Chief Counsel, Room 9316, (202) 366–4011 (telephone) or (202) 366–3809 (fax).

SUPPLEMENTARY INFORMATION: The above-referenced waiver follows:

February 14, 2001.

H. Dean Bouland, Esq.,

Bouland & Brush, LLC, 201 North Charles Street, Suite 2400, Baltimore, Maryland 21201–4105.

Dear Mr. Bouland: This letter responds to the request of your client, Steril-Koni, U.S.A., Inc., for a two-year public interest component waiver from the Buy America regulations for the Omer heavy-duty parallelogram bus lift, which your client currently distributes in the U.S. According to the information you have provided, Steril-Koni supplies these lifts to vehicle garage manufacturers as part of an overall construction contract. Steril-Koni requests this waiver on the grounds that there are only two suppliers marketing such lifts in the U.S. and that sufficient competition of suppliers is in the public interest. For the reasons below, I have determined that a temporary component waiver is in the public interest.

The Federal Transit Administration's (FTA) requirements concerning domestic preference for federally funded transit projects are set forth in 49 U.S.C. 5323(j). However, section 5323(j)(2)(A) states that those requirements shall not apply if doing so would be inconsistent with the public interest. *See also,* 49 CFR 661.7(b). The implementing regulation allows a bidder or supplier to request a public interest waiver "for a specific item or material that is used in the production of a manufactured product." 49 CFR 661.7(g) and 661.9(d). FTA's rule looks at the end product being acquired in a given case. Where the procurement contract is for a garage or maintenance facility, the vehicle lift to be installed in the garage would be a component of that construction contract. See 43 FR 57146 (1978), 46 FR 5809 (1981), 56 FR 928 (1991), and FTA Best Practices Procurement Manual, section 8.1.4 (1/98).

Your client explains that while there are many vehicle lifts on the market, the heavy-duty parallelogram lift has unique features and is not widely produced. Such a lift has a capacity of at least 20,000 lb., as well as an open floor design allowing maximum accessibility to the vehicle from the front, back, and sides. Your client has provided documentation from the Automotive Lift Institute that indicates there are only two suppliers marketing heavy-duty parallelogram bus lifts in the U.S., Steril-Koni and Rotary. Rotary is a U.S. manufacturer and Steril-Koni imports the product from Italy and assembles it in Baltimore, Maryland, using a U.S. labor force. Steril-Koni states that because of this manufacturing process general contractors wishing to purchase its lifts for use in vehicle garages may not do so unless they certify non-compliance with Buy America. Therefore, in order to certify compliance, Steril-Koni believes most contractors are inclined to purchase the lifts from Rotary. Steril-Koni asserts that this situation gives Rotary a monopoly in the U.S. market, and that such a monopoly will have the effect of increasing the price of the lifts, which would not be in the public interest. To support your client's position, you note that, in 1984, FTA granted a public interest waiver to Chrysler Corporation for 15 passenger vans. The vans were produced by only Chrysler and Ford Motor Company, and FTA grantees using federal funds were forced to purchase the vans from Ford, the only party able to certify compliance with Buy America. FTA determined that it was in the public interest to have competition in the market place and granted the waiver. 49 FR 13944 (1984).

FTA has reviewed the U.S. market for heavy-duty parallelogram lifts and has found that there are only two suppliers active in the U.S. market, of which only one can certify compliance with Buy America. In this circumstance, FTA concludes that the grounds for a public interest component waiver exist. Pursuant to the provisions of 49 U.S.C. 5323(j)(2)(A), a waiver is hereby granted for the foreign manufacture of the Omer heavy-duty parallelogram lifts for the period of two years, or until such time as a second domestic source for this type of lift becomes available, whichever occurs first. In order to insure that the public is aware of this waiver, particularly potential manufacturers, it will be published in the **Federal Register**.

If you have any questions, please contact Meghan G. Ludtke at (202) 366–4011.

Very truly yours,

Gregory B. McBride,
Deputy Chief Counsel.

Issued on April 12, 2001.

Hiram J. Walker,
Acting Deputy Administrator.

[FR Doc. 01–9530 Filed 4–17–01; 8:45 am]

BILLING CODE 4910–57–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

Marine Transportation System National Advisory Council

ACTION: National Advisory Council public meeting.

SUMMARY: The Maritime Administration announces that the Marine Transportation System National Advisory Council (MTSNAC) will hold a meeting to discuss ongoing action items, MTS Team endeavors, MTS priorities and visions, and other issues. A public comment period is scheduled for 11:00 AM to 12:00 PM on Friday, May 4, 2001. To provide time for as many people to speak as possible, speaking time for each individual will be limited to three minutes. Members of the public who would like to speak are asked to contact Raymond Barberesi by April 30, 2001. Commenters will be placed on the agenda in the order in which notifications are received. If time allows, additional comments will be permitted. Copies of oral comments must be submitted in writing at the meeting. Additional written comments are welcome and must be filed by May 11, 2001. Send comments to the attention of Mr. Raymond Barberesi, Director, Office of Ports and Domestic Shipping, U.S. Maritime Administration, 400 7th Street, SW, Room 7201, Washington, DC 20590.

DATES: The meeting will be held on Thursday, May 3, 2001, from 1 p.m. to 5 p.m. and Friday, May 4, 2001, from 9 a.m. to 3 p.m.

ADDRESSES: The meeting will be held at the U.S. Merchant Marine Academy, Kings Point, NY 10024.

FOR FURTHER INFORMATION CONTACT: Raymond Barberesi, (202) 366–4357; Maritime Administration, MAR 830, Room 7201, 400 Seventh St., SW, Washington, DC 20590; *Raymond.Barberesi@marad.dot.gov.*

(Authority: 5 U.S.C. App 2, Sec. 9(a)(2); 41 CFR 101–6. 1005; DOT Order 1120.3B)

Dated: April 12, 2001.

Joel C. Richard,
Secretary, Maritime Administration.

[FR Doc. 01–9537 Filed 4–17–01; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA–2001–8827; Notice 2]

Dan Hill & Associates, Inc.; Red River Manufacturing, Inc.; Grant of Applications for Temporary Exemption From Federal Motor Vehicle Safety Standard No. 224

This notice grants the applications by Dan Hill & Associates, Inc. (''Dan Hill'') of Norman, Oklahoma, and by Red River Manufacturing (''Red River'') of West Fargo, North Dakota, for a temporary exemption from Motor Vehicle Safety Standard No. 224, *Rear Impact Protection.* Both petitioners assert that compliance would cause substantial economic hardship to manufacturers that have tried in good faith to comply with the standard.

Notice of receipt of Dan Hill's petition was published in the **Federal Register** on February 13, 2001, and an opportunity afforded for comment (66 FR 10050). Twenty-two comments were received, 21 of which supported the petition. As we explain more fully below, we view the issues and arguments by Red River as equivalent to those of Dan Hill and the comments as equally pertinent, and we are proceeding to a decision on Red River without issuing a separate comment notice.

Dan Hill and Red River have been the beneficiaries of temporary exemptions from Standard No. 224, and renewals of exemptions, from January 26, 1998 to February 1, 2001. (For **Federal Register** notices granting the petitions by Dan Hill, see 63 FR 3784 and 64 FR 49047; by Red River, see 63 FR 15909 and 64 FR 49049). The information below is based on material from the petitioners' original and renewal applications of 1998 and 1999, and their most recent applications.

Why the Petitioners Say That They Continue To Need an Exemption.

Dan Hill and Red River manufacture and sell horizontal discharge trailers that are used in the road construction industry to deliver asphalt and other road building materials to construction sites (''the trailers''). The trailers are designed to connect with and latch onto various paving machines (''pavers''). With their hydraulically controlled horizontal discharge systems, the trailers discharge hot mix asphalt at a controlled rate into pavers which overlay the road surface with asphalt material.

Standard No. 224 requires, effective January 26, 1998, that all trailers with a GVWR of 4536 Kg or more, including the trailers, be fitted with a rear impact guard that conforms to Standard No. 223, *Rear impact guards.* Both petitioners have argued that installation of a fixed rear impact guard will prevent the trailers from connecting to the paver. Thus, the trailers will no longer be functional. Paving contractors will be forced to use standard dump body trucks or trailers which, according to Dan Hill, have inherent limitations and safety risks. In spite of exemptions totaling three years, each petitioner avers that it has been unable to develop a movable rear guard that will enable its trailers to conform and needs more time in which to do so. Dan Hill has asked for a one-year exemption and Red River, a two-year exemption. We discuss below their efforts to conform in greater detail.

The Petitioners' Reasons Why They Believe That Compliance Would Cause Them Substantial Economic Hardship and That They Have Tried in Good Faith To Comply With Standard No. 224.

Dan Hill. Dan Hill is a small volume manufacturer. Its total production in the 12-month period preceding its latest petition was 151 units. In the absence of a further exemption, Dan Hill asserts that approximately 70 percent of its work force would have to be laid off. If the exemption were not granted, Dan Hill's gross sales would decrease by $8,313,337 in 2001. Its cumulative net income after taxes for the fiscal years 1998, 1999, and 2000 was $454,556, but net income has declined in 2000 and