

railroad safety regulations contained at 49 CFR 213.103, Ballast: general. FRA assigned the petition Docket Number FRA–2013–0137.

AAR, on behalf of itself and its member railroads, requests to study and redefine when ballast material fails under load. AAR proposes to conduct and observe specific performance-based conditions and remedial action procedures existing in isolation under train operations for a 1-year test period. The proposal identifies five specific subdivisions on the BNSF Railway that will serve as test locations exempt from the current safety standard. AAR's petition states that the Federal safety regulations are vague and do not clearly define when ballast material fails to support the track structure according to the current description and application of the Federal regulation. When ballast material fails, "the condition must be brought into compliance or track speed reduced by one class of track below the class of track the track geometry complies with, except Class 1 track may remain at Class 1 speeds." AAR proposes that "for purposes of this waiver, non-compliant ballast exists where the track drainage in mainline track is impeded for 15½ feet or more without a joint present or 10 feet or more with a joint present, such that the ability of the track structure to maintain track geometry is impaired by a muddy pumping action occurring because of fines and other material originating from the track structure or train operations and water is present."

A copy of the petition, as well as any written communications concerning the petition, is available for review online at www.regulations.gov and in person at the U.S. Department of Transportation's (DOT) Docket Operations Facility, 1200 New Jersey Avenue 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 party desires 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 February 24, 2014 will be considered by FRA before final action is taken. Comments received after that date will be considered as far as practicable.

Anyone is able to 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.). See <http://www.regulations.gov/#/privacyNotice> for the privacy notice of regulations.gov or interested parties may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477).

Robert C. Lauby,

*Associate Administrator for Railroad Safety,
Chief Safety Officer.*

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DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket Number FRA–2013–0080]

Notice of Public Hearing and Extension of Public Comment Period

On September 6, 2013, the Federal Railroad Administration (FRA) published a notice in the **Federal Register** (78 FR 54952) announcing the Association of American Railroads' (AAR) request for a waiver of compliance from certain provisions of Title 49 Code of Federal Regulations (CFR) Part 232, Brake System Safety Standards for Freight and Other Non-Passenger Trains and Equipment; End-of-Train Devices. Specifically, AAR petitioned FRA for a waiver of compliance from 49 CFR 232.207, *Class IA brake tests—1,000-mile inspection*, for the purposes of conducting testing to demonstrate the effectiveness of using wayside wheel temperature detector data to ensure safe braking performance.

Upon investigation, FRA determined that the facts of this proceeding warrant

a public hearing. Accordingly, a hearing is hereby scheduled to begin at 10 a.m. on February 19, 2014, at the National Housing Center, National Association of Home Builders, 1201 15th Street NW., Washington, DC 20005. Interested parties are invited to present oral statements at this hearing. For information on facilities or services for persons with disabilities, or to request special assistance at the hearing, contact FRA Railroad Safety Specialist Steve Zuiderveen, by telephone, email, or in writing, at least 5 business days before the date of the hearing. Mr. Zuiderveen's, contact information is as follows: FRA, Office of Railroad Safety, Mail Stop 25, 1200 New Jersey Avenue SE., Washington, DC 20590; (202) 493–6337; Steven.Zuiderveen@dot.gov.

The informal hearing will be conducted by a representative designated by FRA in accordance with FRA's Rules of Practice (see particularly 49 CFR 211.25). FRA's representative will make an opening statement outlining the scope of the hearing, as well as any additional procedures for the conduct of the hearing. The hearing will be a nonadversarial proceeding in which all interested parties will be given the opportunity to express their views regarding the waiver petition without cross examination. After all initial statements have been completed, those individuals wishing to make brief rebuttal statements will be given an opportunity to do so. In addition, FRA is hereby extending the comment period for this waiver petition to March 21, 2014, to allow any additional comments to be submitted following the public hearing. 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.

All written communications concerning these proceedings are available for examination during regular business hours (9 a.m.–5 p.m.) at the above facility. All documents in the public docket are also available for inspection and copying on the Internet at the docket facility's Web site at <http://www.regulations.gov>.

Anyone is able to 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.). See <http://www.regulations.gov/#!privacyNotice> for the privacy notice of regulations.gov or interested parties may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477).

Robert C. Lauby,

*Associate Administrator for Railroad Safety,
Chief Safety Officer.*

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DEPARTMENT OF TRANSPORTATION

Federal Transit Administration

FY13 Discretionary Funding Opportunity: Low or No Emission Vehicle Deployment Program (LoNo) Program

AGENCY: Federal Transit Administration (FTA), DOT.

ACTION: Notice for Request for Proposals (RFP).

SUMMARY: The Federal Transit Administration (FTA) announces the availability of \$24.9 million of Fiscal Year 2013 funds for the deployment of low or no emission transit buses. Of that amount, \$21.6 million is available for buses and \$3.3 million is available for supporting facilities and related equipment. If additional funding is appropriated for this program in FY 2014, FTA may, at its discretion, also make those funds available under this announcement.

DATES: Complete proposals must be submitted electronically through the GRANTS.GOV "APPLY" function by March 10, 2014. Prospective applicants should initiate the process by registering on the GRANTS.GOV Web site promptly to ensure completion of the application process before the submission deadline. Instructions for applying can be found on FTA's Web site at <http://www.fta.dot.gov/grants/13077.html> and in the "FIND" module of GRANTS.GOV. Mail and fax submissions will not be accepted.

FOR FURTHER INFORMATION CONTACT: Sean Ricketson, FTA Office of Research Demonstration and Innovation, 202-366-6678 or sean.ricketson@dot.gov.

SUPPLEMENTARY INFORMATION:

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A. Program Authority

The Moving Ahead for Progress in the 21st Century Act (MAP-21), Public Law 112-141, July 6, 2012, amended 49 U.S.C. 5312 to add a new paragraph (d)(5) authorizing FTA to make grants to finance eligible projects under the "Low or No Emission Vehicle Deployment Program" (LoNo Program).

The Consolidated and Further Continuing Appropriations Act, 2013, (also referred to as the Full Year Continuing Appropriations Act, 2013) Public Law 113-6, March 26, 2013, has made available \$24.9 million in FY 2013 (after sequestration) to carry out the LoNo Program. Of that amount, \$21.6 million is available for buses and \$3.3 million is available for supporting facilities and related equipment. Given that projects must be competitively selected pursuant to 49 U.S.C. 5312(d)(5)(E), if additional funding is appropriated for this program in FY 2014, FTA may, at its discretion, apply those funds to either scale up selections made under this announcement, or to fund meritorious proposals that were not selected for lack of FY 2013 funding.

B. Program Purpose

The LoNo Program provides funding for transit agencies for capital acquisitions and leases of zero emission and low-emission transit buses, including acquisition, construction, and leasing of required supporting facilities such as recharging, refueling, and maintenance facilities.

The main purpose of the LoNo Program is to deploy the cleanest and most energy efficient U.S.-made transit buses that have been largely proven in testing and demonstrations but are not yet widely deployed in transit fleets. The LoNo Program is a capital program focused on deploying new production vehicles that are market-ready or near market-ready. It is not a program for designing and developing prototypes. The program gives priority consideration to the deployment of buses with the lowest energy

consumption and least harmful emissions, including direct carbon emissions.

C. Eligible Areas

An Eligible Area is defined under section 5312(d)(5)(A)(i) as an area that is:

1. Designated as a nonattainment area for ozone or carbon monoxide under section 107(d) of the Clean Air Act (42 U.S.C. 7407(d)); or
2. A maintenance area, as defined in section 5303, for ozone or carbon monoxide.

D. Eligible Recipients and Applicants

Eligible Recipients and Applicants are:

1. A recipient for an eligible area and designated, in accordance with the planning process under section 5303 and 5304, by a Governor of a State, responsible local officials, and publicly owned operators of public transportation, to receive and apportion amounts under section 5336 to urbanized areas of 200,000 or more in population; or
2. A State, for an urbanized area in which an "eligible area" as defined under section 5312(d)(5)(A)(i) is located that also has a population under 200,000 individuals, as determined by the Bureau of the Census.

E. Eligible Subrecipients

Eligible subrecipients are:

1. Public Transportation Providers
2. A project team member identified in the proposal and deemed a "Key Party" by FTA, including consultants, manufacturers, vendors, systems integrators and facilities providers.

F. Eligible Projects

The following projects are eligible for funding, in accordance with section 5312(d)(5)(A)(ii):

1. Acquiring or leasing low or no emission transit buses;
2. Constructing or leasing facilities and related equipment for low or no emission transit buses;
3. Constructing new public transportation facilities to accommodate low or no emission transit buses; or,
4. Rehabilitating or improving existing public transportation facilities to accommodate low or no emission transit buses.

G. Eligible Vehicles

To be eligible, vehicles must be production transit buses used to provide public transportation and meet either the zero emission bus, or the low emission bus definition below.

For the purposes of this solicitation, a zero-emission transit bus is defined as