

simultaneously or alternately flashing is a promising signal for use in enhanced brake light applications, even at levels of brightness within the current regulated limits. Specifically, the study showed that substantial performance gains may be realized by increasing brake lamp brightness levels under flashing configurations; however, increases beyond a certain brightness threshold will not return substantive performance gains.

In addition, NHTSA has conducted research on the effectiveness of rear turn signal color on the likelihood of being involved in a rear-end crash. FMVSS No. 108 allows rear turn signals to be either red or amber in color. The study showed that amber signals show a 5.3 percent effectiveness in reducing involvement in two-vehicle crashes where a lead vehicle is rear-struck in the act of turning left, turning right, merging into traffic, changing lanes, or entering/leaving a parking space. The advantage of amber rear turn signals was shown to be statistically significant.

Finally, FMCSA concluded that the FMCSA and NHTSA research programs demonstrated the effectiveness of alternative rear-signaling systems in reducing the frequency and severity of rear-end crashes. This evidence was sufficient to support the implementation of amber, brake-activated, pulsating warning lamps on the rear of trailers and van body trucks, in addition to the steady-burning brake lamps required by regulation, as likely to provide a level of safety equivalent to or greater than that achieved without the exemption.

Therefore, FMCSA imposed the following terms and conditions to ensure the safety of the motoring public. The exemption would be rescinded if: (1) Motor carriers operating trailers and van body trucks fail to comply with the terms and conditions of the exemption; (2) the exemption resulted in a lower level of safety than was maintained before it was granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136(e) and 31315(b).

#### *Application for Renewal of Exemption*

In its renewal application, Grote reiterated its previous statements in support of the original exemption request. Since the exemption was granted in 2020, the Grote auxiliary strobe and stop lamp has been installed on over 80,000 vehicles and traveled over 250,000,000 miles. Grote reported that the usage of its pulsating warning lamp has yielded positive results. Grote stated that a large national fleet customer reported a 33% reduction in

overall rear-end crashes on a per-mile basis compared to a baseline fleet (without the system installed) with more than 1 billion miles driven. In the most severe cases, involving personal injuries, the fleet observed a 75% reduction. Another large fleet customer reported similar outcomes, noting a 52% reduction in overall recordable incidents per vehicle and, more notably, a 75% reduction in the severity of incidents that did occur. A copy of Grote's request to renew the exemption is available in the docket.

Although Grote applied for "renewal of the 2020 exemption," it also stated that it was "applying on behalf of all operators, motor carriers, and equipment manufacturers that are subject to" the Federal Motor Carrier Safety Regulations (FMCSRs) (emphasis added). Both the 2020 exemption and this renewal request apply only to motor carriers and operators of commercial motor vehicles (CMVs) that install Grote's pulsating brake lamps described above, not to Grote itself (unless it operates as a motor carrier and installs its own brake lamps on its own CMVs) or to any other equipment manufacturer. The renewal application also stated that "Grote seeks the ability to install safety features in addition to those required under the FMCSRs." The renewal application, like the 2020 exemption, allows motor carriers or CMV operators to install the Grote brake equipment described above, but does not authorize Grote to install its brake equipment on behalf of motor carriers. The proposed renewal, like the current exemption, would apply only to motor carriers and CMV operators that wish to install and use the Grote brake lamp equipment.

#### **IV. Applicant's Method To Ensure an Equivalent or Greater Level of Safety**

Grote states that its commitment to safety remains unchanged and emphasized that in the five years since the original exemption was granted, the use of Grote's amber brake-activated pulsating warning lamps on the rear of trailers and van body trucks in addition to the steady-burning brake lamps required by the FMCSRs has demonstrated a level of safety equivalent to, or greater than, that provided by the regulation.

#### **V. Request for Comments**

In accordance with 49 U.S.C. 31315(b), FMCSA requests public comment from all interested persons on Grote's application for renewal of its exemption from § 393.25(e). 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.

**Larry W. Minor,**

*Associate Administrator for Policy.*

[FR Doc. 2025-01162 Filed 1-16-25; 8:45 am]

**BILLING CODE 4910-EX-P**

## **DEPARTMENT OF TRANSPORTATION**

### **Office of the Secretary**

[Docket No.: DOT-OST-2024-0130]

#### **Public Interest Waiver of the Application of Certain Domestic Preference Requirements and Policies for Transit-Oriented Development Housing Projects**

**ACTION:** Notice.

**SUMMARY:** In order to expeditiously deliver projects and provide meaningful infrastructure results while ensuring the appropriate application of domestic content standards, the U.S. Department of Transportation (DOT) is issuing waiver for the domestic preference requirements for manufactured products applicable to certain transit-oriented development (TOD) housing projects that receive credit assistance through the Build America Bureau (the Bureau) under the Transportation Infrastructure Finance and Innovation Act (TIFIA) and Railroad Rehabilitation and Improvement Financing (RRIF) credit programs.

**DATES:** The effective date of the waiver is January 17, 2025 and will apply to all TOD housing projects that enter into the Bureau's creditworthiness review on or before December 31, 2025.

**FOR FURTHER INFORMATION CONTACT:** For questions about this notice, please contact Dan Schned, U.S. Department of Transportation, Build America Bureau, at 202-366-2300 or [daniel.schned@dot.gov](mailto:daniel.schned@dot.gov). For legal questions, please contact, Jessica Pettrone, DOT Office of the General Counsel, at (202) 366-8560 or [jessica.pettrone@dot.gov](mailto:jessica.pettrone@dot.gov).

**SUPPLEMENTARY INFORMATION:**

## Background

On November 15, 2021, the Infrastructure Investment and Jobs Act (IIJA) Public Law 117–58 was enacted. IIJA reauthorized Federal surface transportation programs and invested billions in making the United States transportation system safer and more resilient. TOD projects are eligible for both TIFIA (23 U.S.C. 601(a)(12)(E)) and RRIF (49 U.S.C. 22402(b)(1)(F)) financing, subject to all other eligibility criteria, and compliance with all applicable Federal requirements and creditworthiness standards.<sup>1</sup>

Transportation and land use reforms are central strategies to achieving many goals, including reaching net-zero greenhouse gas emissions by 2050; addressing the housing supply and affordability crises throughout the country; and advancing equity, fair housing, and environmental justice.<sup>2</sup> Providing long-term, low-interest direct loans through the TIFIA and RRIF credit programs to TOD projects is one of the primary tools available to DOT to help achieve this mission.

Over the last three years, DOT has taken several concrete steps to date to facilitate TOD financing under the TIFIA and RRIF credit programs. DOT has published TOD guidance<sup>3</sup> and a policy statement<sup>4</sup> and authorized TOD projects' eligibility to borrow up to the maximum allowed under TIFIA to promote the creation of more walkable, mixed-use spaces near transit that support vibrant, sustainable, and equitable communities.<sup>5</sup> Additionally, the Bureau has worked on outreach to developers and created several tools including the TOD Eligibility Map<sup>6</sup> and has conducted webinars to help educate potential borrowers about the opportunities and requirements of the programs.

The IIJA also includes the Build America, Buy America Act (BABA) at div. G, sec. 70901–27. BABA greatly

strengthens Made in America standards by expanding the coverage and application of Buy America preferences in Federal financial assistance programs for infrastructure. The Act requires that the head of each covered Federal agency shall ensure that “none of the funds made available for a Federal financial assistance program for infrastructure . . . may be obligated for a project unless all of the iron, steel, manufactured products, and construction materials used in the project are produced in the United States.” IIJA sec. 70914(a).

BABA applies to Federal financial assistance, which term includes “all expenditures by a Federal agency to a non-Federal entity for an infrastructure project.” IIJA sec. 70912(4)(B). “Non-Federal entity,” as defined in 2 CFR 200.1, does not include for-profit entities. Therefore, BABA by its terms does not apply to Federal financial assistance to for-profit entities.<sup>7</sup> However, in accordance with the Office of Management and Budget (OMB)’s Guidance Memorandum M–24–02, *Guidance on Application of Buy America Preference in Federal Financial Assistance Programs for Infrastructure*, Federal agencies may consider applying domestic preference requirements to for-profit entities, consistent with their legal authorities.

DOT has a longstanding policy of requiring all borrowers receiving TIFIA or RRIF credit assistance to comply with domestic steel, iron, and manufactured products content requirements, collectively known as “Buy America” requirements,<sup>8</sup> for the projects receiving TIFIA or RRIF credit assistance, even where not covered by a specific Buy America statute, including chapter 83 of title 41, United States Code (Buy American), because no appropriated funds are used for the cost of the loan. DOT has consistently applied this policy to for-profit borrowers as well. Accordingly, because Buy America is

applied to all projects receiving TIFIA or RRIF credit assistance, DOT, in an effort to ensure transparency and maintain consistency in the application of Buy America standards for all recipients (one rule for all projects and borrowers), applies this waiver to the domestic manufactured products requirements as applied to both TOD housing projects with for-profit borrowers that do not use any appropriated funds for the cost of the loan (to which Buy America requirements are applied as a matter of policy), as well as to TOD housing projects with non-Federal entity borrowers (to which Buy America requirements apply as a matter of law, whether or not such loans use appropriated funds), and, in each case, that enter into the Bureau’s creditworthiness review on or before December 31, 2025.

TOD projects are a class of eligible capital projects under the TIFIA and RRIF credit programs administered by the Bureau. The Bureau recently provided guidance on Federal requirements for TOD projects receiving TIFIA or RRIF credit assistance.<sup>9</sup> Pursuant to that guidance, the Bureau reiterated the DOT’s longstanding policy of requiring sponsors of all projects receiving TIFIA and RRIF credit assistance to comply with domestic steel, iron, and manufactured products content requirements, collectively known as “Buy America” requirements, for the projects receiving credit assistance, even where not covered by a specific Buy America statute, including Buy American requirements because no appropriated funds are used for the cost of the loan.

## Issuance of Waiver and Discussion of Comments Received

DOT proposed a waiver of the Buy America manufactured products requirement for TIFIA and RRIF TOD projects that include any housing elements (TOD Housing Projects) that enter into creditworthiness review on or before December 31, 2025, in the **Federal Register** (FR Doc. 2024–28820). DOT received two comments on the proposed waiver, one from an advisor on various TOD projects and one from a public policy think tank that represents the interests of real estate entities. Both commenters supported the proposed waiver.

One commenter requested that DOT issue a “blanket waiver” that would effectively establish a new domestic

<sup>1</sup> Eligible TOD projects can take many forms, including joint development; public infrastructure; and economic development, including commercial and residential development. One of the key parameters of the programs, among others, is that TOD projects must be within walking distance of a qualifying transit or passenger rail station. See <https://www.transportation.gov/buildamerica/TOD>.

<sup>2</sup> <https://www.transportation.gov/buildamerica/sites/buildamerica.dot.gov/files/2023-10/TOD%20Policy%20Statement.pdf>.

<sup>3</sup> <https://www.transportation.gov/buildamerica/TOD>.

<sup>4</sup> <https://www.transportation.gov/buildamerica/sites/buildamerica.dot.gov/files/2023-10/TOD%20Policy%20Statement.pdf>.

<sup>5</sup> <https://www.transportation.gov/buildamerica/TIFIA49>.

<sup>6</sup> <https://www.transportation.gov/buildamerica/about/resources-mode/interactive-map-tifia-and-rrif-tod-eligibility>.

<sup>7</sup> See OMB Memorandum M–22–11 *Initial Implementation Guidance on Application of Buy America Preference in Federal Financial Assistance Programs for Infrastructure* (April 18, 2022), p. 2 (“for-profit organizations are not considered non-Federal entities”); OMB Memorandum M–24–02 *Implementation Guidance on Application of Buy America Preference in Federal Financial Assistance Programs for Infrastructure* (October 25, 2023), p. 4 (restating the guidance on for-profit entities from M–22–11); and 88 FR 57750, 57774 (October 23, 2023) (“Thus—although OMB does not require them to do so—Federal agencies are allowed, under the existing structure of part 200, to apply part 200, including the domestic preferences at § 200.322, to for-profit entities”).

<sup>8</sup> As noted above, after the enactment of BABA, Buy America requirements now include domestic construction material requirements per BIL sec. 70914(a).

<sup>9</sup> <https://www.transportation.gov/buildamerica/about/resources-mode/tod-project-federal-requirements-guidance>.

preference standard (e.g., 60–70 percent) that applies to all products and materials involved in TOD projects. They argued that this would simplify the compliance process by preventing the need for sponsors to request many individual product waivers, thereby reducing the burden on DOT resources and expediting the advancement of TOD Housing Projects. As was described in the notice, to support both the delivery of housing and domestic manufacturing, DOT will continue to work closely with borrowers to better understand and document the sources of materials and products used in TOD Housing Projects and the challenges that compliance with DOT's domestic preference standards present and determine appropriate solutions.

One commenter requested that DOT update its guidance for TOD projects to include a “plain language” list of examples of manufactured products covered by this waiver. As was described in the notice, DOT recently provided guidance on Federal requirements applicable to TOD projects receiving TIFIA or RRIF credit assistance. DOT appreciates the suggestion and will consider it in determining the best ways of providing technical assistance to borrowers for TOD Housing Projects.

#### Finding on the Waiver

Based on the information available, DOT is issuing a public interest waiver of the Buy America requirements for manufactured products that apply to Bureau-financed TOD Housing Projects. This waiver is limited to TOD Housing Projects that enter into creditworthiness review on or before December 31, 2025. For these projects, DOT will continue to apply domestic steel, iron, and construction materials content requirements.

To ensure transparency and maintain consistency in the application of Buy America standards for all recipients (one rule for all projects and borrowers), this waiver will apply to both TOD Housing Projects with for-profit borrowers and those with non-Federal entity borrowers.

To continue to support the goals of Buy America policies, DOT will work closely with TOD Housing Project borrowers to better understand and document the sources of materials and products used in such projects. This research will assist DOT in refining its domestic preference requirements policy for TOD projects entering the Bureau's creditworthiness review phase after January 1, 2026, and to further support both the delivery of housing and domestic manufacturing.

Issued in Washington, DC.

**Morteza Farajian,**

*Executive Director, Build America Bureau.*

[FR Doc. 2025–01113 Filed 1–16–25; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Bureau of Transportation Statistics

[Docket ID Number DOT–OST–2014–0031]

#### Agency Information Collection; Activity Under OMB Review; Report of Financial and Operating Statistics for Small Aircraft Operators

**AGENCY:** Bureau of Transportation Statistics (BTS), DOT.

**ACTION:** Notice.

**SUMMARY:** In compliance with the Paperwork Reduction Act of 1995, the Bureau of Transportation Statistics invites the general public, industry and other governmental parties to comment on the continuing need for and usefulness of BTS collecting financial, traffic and operating statistics from small certificated and commuter air carriers. Small, certificated air carriers (operate aircraft with 60 seats or less or with 18,000 pounds of payload capacity or less) currently must file the two quarterly schedules: F–1 “Report of Financial Data”; F–2 “Report of Aircraft Operating Expenses and Related Statistics”; and Commuter air carriers must file the Schedule F–1 “Report of Financial Data”. Commenters should address whether BTS accurately estimated the reporting burden and if there are other ways to enhance the quality, utility, and clarity of the information collected.

**DATES:** Written comments should be submitted by February 18, 2025.

**ADDRESSES:** You may submit comments identified by DOT Docket ID Number DOT–OST–2014–0031 by any of the following methods:

*Federal eRulemaking Portal:* Go to <https://www.regulations.gov>. Follow the online instructions for submitting comments.

*Mail:* Docket Services: U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building Ground Floor, Room W12–140, Washington, DC 20590–0001.

*Hand Delivery or Courier:* West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, between 9 a.m. and 5 p.m. ET, Monday through Friday, except Federal holidays.

*Fax:* 202–366–3383.

*Instructions:* Identify docket number, DOT–OST–2014–0031, at the beginning

of your comments, and send two copies. To receive confirmation that DOT received your comments, include a self-addressed stamped postcard. Internet users may access all comments received by DOT at <https://www.regulations.gov>. All comments are posted electronically without charge or edits, including any personal information provided.

*Comments:* Comments should identify the associated OMB approval # 2138–0009 and Docket ID Number DOT–OST–2014–0031. Persons wishing the Department to acknowledge receipt of their comments must submit with those comments a self-addressed stamped postcard on which the following statement is made: Comments on OMB # 2138–0009, Docket—DOT–OST–2014–0031. The postcard will be date/time stamped and returned.

*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).

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

*Electronic Access:* You may access comments received for this notice at <https://www.regulations.gov>, by searching docket DOT–OST–2014–0031.

**FOR FURTHER INFORMATION CONTACT:** Cecelia Robinson, Office of Airline Information, RTS–42, Room E34–110, OST–R, BTS, 1200 New Jersey Avenue SE, Washington, DC 20590–0001, Telephone Number (202) 893–0515, Fax Number (202) 366–3383 or email [cecelia.robinson@dot.gov](mailto:cecelia.robinson@dot.gov).

Jennifer Rodes, Office of Airline Information, RTS–42, Room E32–103, OST–R, BTS, 1200 New Jersey Avenue SE, Washington DC 20590–0001, Telephone Number (202) 366–8513, Fax Number (202) 366–3383 or email [Jennifer.rodos@dot.gov](mailto:Jennifer.rodos@dot.gov).

**SUPPLEMENTARY INFORMATION:** A notice of this information collection was published in the **Federal Register** allowing for a 60-day comment period November 8, 2024 at 89 FR 88863.

*OMB Approval No.* 2138–0009

*Title:* Report of Financial and Operating Statistics for Small Aircraft Operators

*Form No.:* BTS Form 298–C.