



U.S. Department
of Transportation
**Federal Transit
Administration**

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REGION 10 BULLETIN NO: 2016-14

Subject: Buy America FAST Act Amendments Proposed Guidance

Date: April 8, 2016

The Federal Transit Administration published its proposed policy statement in a Federal Register Notice (FRN), <https://www.gpo.gov/fdsys/pkg/FR-2016-04-06/pdf/2016-07837.pdf>, on the implementation of the increase in domestic content under the Buy America provisions for rolling stock.

The Fixing America's Surface Transportation (FAST) Act amended the Buy America waiver for rolling stock to provide for a phased increase in the domestic content requirement for rolling stock from the current more than 60 percent to more than 70 percent in Fiscal Year (FY) 2020 and beyond. The FTA website, <https://transit.dot.gov/funding/grants/buy-america-fact-sheet>, provides a fact sheet. In the proposed policy, FTA interprets the statute to require that if a recipient enters into a contract for rolling stock after the effective date of the FAST Act -- October 1, 2015 -- then the new FAST Act provisions for the date of delivery of the rolling stock apply. Thus, for vehicles delivered in FY 2018 and FY 2019, the domestic content must be more than 65 percent, and for vehicles delivered in FY 2020 and beyond, the domestic content must be more than 70 percent.

To comment on the proposed policy statement, go to <https://www.regulations.gov> **before May 6, 2016.**

Additionally, FTA published a proposed public interest waiver, <https://www.gpo.gov/fdsys/pkg/FR-2016-04-06/pdf/2016-07836.pdf>, for the following categories of rolling stock contracts:

1. For contracts entered into between the FAST Act's effective date and date of enactment -- between October 1, 2015 and December 4, 2015 -- the increased domestic content requirements for FY 2018 and beyond will not apply, regardless of when the vehicles are delivered; and
2. For contracts entered into after December 4, 2015 as a result of solicitations for bids or requests for proposals that were advertised before December 4, 2015, the increased domestic content requirements for FY2018 and beyond will not apply, regardless of when the vehicles are delivered.

To comment on the proposed public interest waiver, go to <https://www.regulations.gov> **before April 13, 2016.**

Additional information concerning the Buy America requirement may be found at <https://transit.dot.gov/regulations-and-guidance/buy-america/buy-america>.

For further information, contact Region 10's Gwen Franks at 206-220-7515 or email gwendolyn.franks@dot.gov.

Sincerely,

R.F. Krochalis
Regional Administrator

