

(9) Provide the required certifications from Section 199B of the Consolidated Appropriations Act, 2021, Public Law 116–260.

FHWA requests previous SEP–14 LLHPP participants that intend to participate in this program conduct the evaluations and complete the reporting for earlier projects they committed to do in their previously approved SEP–14 LLHPP workplan.

For contracts involving the use of local and other preferences as described above, FHWA may approve, at the request of the recipient or subrecipient, the use of such requirements for a specific contract, a specific group of contracts, or on a more general programmatic basis.

**Authority:** 23 U.S.C. 502(b); Section 199B of the Consolidated Appropriation Act, 2021.

Issued in Washington, DC, on May 18, 2021.

**Thomas D. Everett,**

*Executive Director, Federal Highway Administration.*

[FR Doc. 2021–10785 Filed 5–20–21; 8:45 am]

**BILLING CODE 4910–22–P**

## DEPARTMENT OF TRANSPORTATION

### Federal Railroad Administration

[Docket Number FRA–2021–0053]

#### Petition for Waiver of Compliance

Under part 211 of title 49 Code of Federal Regulations (CFR), this document provides the public notice that on May 4, 2021, Durbin & Greenbrier Valley Railroad, Inc. (DGVR) petitioned the Federal Railroad Administration (FRA) for a waiver of compliance from certain provisions of the Federal railroad safety regulations contained at 49 CFR parts 215, Railroad Freight Car Safety Standards, and 223, Safety Glazing Standards—Locomotives, Passenger Cars and Caboose. FRA assigned the petition Docket Number FRA–2021–0053.

Specifically, DGVR requests relief from 49 CFR 215.203, *Restricted cars*; 215.303, *Stenciling of maintenance-of-way equipment*; and part 223, for eleven overage cars: Ten cabooses and one camp car. The relief is requested as the cars will be operated on the Cass Subdivision and the soon-to-be-reopened Greenbrier Subdivision and used to re-create historical scenes. DGVR states they will not be used in commercial freight or interchange service.

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).

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 and a public hearing, 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:

- **Website:** <http://www.regulations.gov>. Follow the online instructions for submitting comments.
- **Fax:** 202–493–2251.
- **Mail:** Docket Operations Facility, U.S. Department of Transportation (DOT), 1200 New Jersey Ave. SE, W12–140, Washington, DC 20590.

Communications received by July 6, 2021 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/privacy-notice> for the privacy notice of [www.regulations.gov](http://www.regulations.gov).

Issued in Washington, DC.

**John Karl Alexy,**

*Associate Administrator for Railroad Safety Chief Safety Officer.*

[FR Doc. 2021–10726 Filed 5–20–21; 8:45 am]

**BILLING CODE 4910–06–P**

## DEPARTMENT OF TRANSPORTATION

### Federal Railroad Administration

[Docket Number FRA–2021–0054]

#### Petition for Waiver of Compliance

Under part 211 of title 49 Code of Federal Regulations (CFR), this document provides the public notice

that on May 4, 2021, Durbin & Greenbrier Valley Railroad, Inc. (DGVR) petitioned the Federal Railroad Administration (FRA) for a waiver of compliance from certain provisions of the Federal railroad safety regulations contained at 49 CFR part 215, Railroad Freight Car Safety Standards. FRA assigned the petition Docket Number FRA–2021–0054.

Specifically, DGVR requests relief from 49 CFR 215.203, *Restricted cars*, and 215.303, *Stenciling of maintenance-of-way equipment*, for 37 overage cars: Seven box cars, six flat cars, five skeleton log cars, seven hopper cars, six tank cars, three refrigerator cars, and three gondola cars. The relief is requested as the cars will be operated on the Cass Subdivision and the soon-to-be-reopened Greenbrier Subdivision and used to re-create historical scenes. DGVR states they will not be used in commercial freight or interchange service.

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).

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 and a public hearing, 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:

- **Website:** <http://www.regulations.gov>. Follow the online instructions for submitting comments.
- **Fax:** 202–493–2251.
- **Mail:** Docket Operations Facility, U.S. Department of Transportation (DOT), 1200 New Jersey Ave. SE, W12–140, Washington, DC 20590.

Communications received by July 6, 2021 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/privacy-notice> for the privacy notice of [www.regulations.gov](http://www.regulations.gov).

Issued in Washington, DC.

**John Karl Alexy,**

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

[FR Doc. 2021-10725 Filed 5-20-21; 8:45 am]

**BILLING CODE 4910-06-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Transit Administration

#### Equitable Economic Recovery and Workforce Development Through Construction Hiring Pilot Program

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

**ACTION:** Notice.

**SUMMARY:** The Federal Transit Administration (FTA) is announcing an initiative to permit FTA recipients and subrecipients to utilize geographic, economic, or other hiring preferences on FTA-funded construction projects. This initiative will be carried out as a pilot program for a period of four years (unless extended) under authority provided in the Consolidated Appropriations Act, 2021, the Federal grants management regulation, and a recent Office of Management and Budget Memorandum (March 19, 2021). The purpose of this pilot program is to provide flexibility to utilize hiring preferences to promote equitable creation of employment opportunities and workforce development activities, particularly for economically or socially disadvantaged workers, while evaluating the impact of such preferences on full and open competition and project delivery.

**DATES:** This pilot program is effective May 21, 2021. This pilot program will end May 21, 2025, unless it is extended.

**FOR FURTHER INFORMATION CONTACT:** Dana Nifosi, Deputy Chief Counsel, Federal Transit Administration, 1200 New Jersey Ave. SE, Washington, DC 20590, 202-366-4011.

#### SUPPLEMENTARY INFORMATION:

##### Electronic Access

An electronic copy of this document may also be downloaded from the Office

of the Federal Register's website at [www.FederalRegister.gov](http://www.FederalRegister.gov) and the Government Publishing Office's website at [www.GovInfo.gov](http://www.GovInfo.gov).

#### Background

FTA advances the mission of improving public transportation for America's communities, in part, by providing funding for the construction of public transportation facilities and the training and development of the public transportation workforce. These activities provide opportunities and access to construction careers, including for disadvantaged and under-represented individuals.

Today, FTA is announcing a new initiative, which will be conducted as a pilot program, to permit FTA recipients and subrecipients to utilize geographic, economic, or other hiring preferences on FTA-funded construction projects. This initiative implements a provision in the Consolidated Appropriations Act, 2021 (Pub. L. 116-260, Dec. 27, 2020, 134 Stat 1182), which has been included in prior Appropriations Acts since Fiscal Year (FY) 2016, that authorizes the Secretary to permit States and local governments to implement geographic, economic, or other hiring preferences not otherwise authorized by law, subject to certain mandatory certifications that the recipient must make. Through this pilot program, FTA also will exercise flexibility recently granted to Federal agencies by the Office of Management and Budget (OMB) to support recipients and subrecipients in achieving equitable economic recovery from the COVID-19 public health emergency. Additionally, the pilot program advances Executive Order (E.O.) 13985, "Executive Order on Advancing Racial Equity and Support for Underserved Communities Through the Federal Government," issued on January 20, 2021, by supporting workers in overcoming barriers to obtaining successful, long term careers in the transit construction industry.

#### Job Opportunity, Equity, and Workforce Development

FTA supports equity in workforce development through several programs pursuant to 49 U.S.C. 5314(b). It funds human resource and training activities, including outreach programs to increase employment for veterans, women, individuals with disabilities, and minorities in public transportation activities. FTA also administers the competitive Innovative Public Transportation Frontline Workforce Development Program, which requires programs eligible for funding to undertake mandatory activities, including development of

apprenticeships, on-the-job training, and instructional training; building partnerships with local public transportation operators, unions, workforce development boards, and State workforce agencies to identify workforce skill gaps; and addressing current and projected workforce shortages by developing partnerships with high schools, community colleges, and other community organizations. Notwithstanding such workforce training and development activities, barriers to employment in the transit construction industry remain, particularly for underserved communities.

#### General Prohibition on Exclusionary or Discriminatory Preferences in Contracting

In general, Federal law prohibits recipients and subrecipients of Federal funds, including under Chapter 53 of Title 49 of the United States Code, from using certain contracting provisions that do not directly relate to the bidder's performance of work in a competent and responsible manner. Specifically, 49 U.S.C. 5325(a) and 5323(h)(3), respectively, require FTA recipients to conduct all federally funded procurements in a manner that provides full and open competition as determined by the Secretary, and prohibit FTA grant funds from being used to support a procurement that uses an exclusionary or discriminatory specification. These provisions are similar to 23 U.S.C. 112(a), which requires FHWA to ensure that plans, specifications, and methods of bidding for highway construction undertaken or overseen by state transportation department must be effective in securing competition.

In addition, the Federal grants management regulation, 2 CFR 200.319, prohibits the use of statutorily or administratively imposed state, local, or tribal geographical preferences in the evaluation of bids or proposals, except in those cases where applicable Federal statutes expressly mandate or encourage geographic preference. Examples of such provisions include local and other geographic-based labor hiring preferences.

#### Interpretation of Competition Mandate

DOT historically has prohibited recipients and subrecipients from using certain contracting provisions that do not directly relate to the bidder's performance of work in a competent and responsible manner, due to concern that such provisions unduly restrict competition. In August 2013, at DOT's request, the Department of Justice,