



DEPARTMENT OF TRANSPORTATION

Federal Transit Administration

[Docket No. FTA-2026-0133]

Notice of Proposed Buy America Waiver for North County Transit District DMU

Replacement Parts and Request for Comment.

AGENCY: Federal Transit Administration, Department of Transportation.

ACTION: Notice; request for comment.

SUMMARY: The Federal Transit Administration (FTA) received a request from the North County Transit District (NCTD) for a Buy America nonavailability waiver for the procurement of certain replacement parts for 12 Siemens Desiro-series Diesel Multiple Unit (DMU) vehicles. FTA is providing notice of the nonavailability waiver request and seeks public comment before deciding whether to grant the request. If granted, the waiver would apply to the replacement parts identified in the waiver request for the 12 DMU vehicles only.

DATES: Comments must be received by **[INSERT DATE 15 DAYS AFTER DATE OF PUBLICATION]**. Late-filed comments will be considered only to the extent practicable.

ADDRESSES: Please submit all comments electronically to the Federal eRulemaking Portal. Go to <https://www.regulations.gov> and follow the instructions for submitting comments. All comments must refer to the Federal Transit Administration and docket number FTA-2026-0133. Note that all submissions received, including any personal information provided, will be posted without change and will be available to the public. You may review DOT's complete Privacy Act Statement in the *Federal Register* published April 11, 2000 (65 FR 19477), or at <https://www.transportation.gov/privacy>.

FOR FURTHER INFORMATION CONTACT: Jaamal Jennings, FTA Attorney-Advisor, at Jaamal.Jennings@dot.gov.

SUPPLEMENTARY INFORMATION: The purpose of this notice is to seek public comment on whether the FTA should grant a nonavailability waiver to NCTD for the procurement of certain replacement parts for 12 DMU vehicles used for NCTD's Sprinter light rail service.

Background

With certain exceptions, FTA's Buy America statute prohibits FTA from obligating funds for a project unless "the steel, iron, and manufactured goods used in the project are produced in the United States." 49 U.S.C. 5323(j)(1).

FTA may waive Buy America requirements for a product if, among other reasons, a compliant version of an item is not produced in a sufficient and reasonably available amount or is not of a satisfactory quality. 49 U.S.C. 5323(j)(2)(B). FTA cannot deny a request for a waiver unless it can provide the waiver requester with a written certification that (1) the item is produced in the United States in a sufficient and reasonably available amount; (2) the item produced in the United States is of a satisfactory quality; and (3) includes a list of known manufacturers in the United States from which the item can be obtained. 49 U.S.C. 5323(j)(6)(A).

NCTD is the owner and operator of the Sprinter light rail service, which runs 22 miles from Oceanside to Escondido in San Diego County with 15 passenger stations. The fleet consists of 12 Siemens Desiro-series DMUs procured in 2003 pursuant to a previous Buy America waiver. On April 10, 2025, NCTD issued a solicitation for the replacement parts with technical specifications included in the Request for Proposals (RFP). A single bidder responded, representing it could attain Buy America compliance for 12 of the parts specified in the RFP and noncompliance for 15 other parts. Following the RFP, NCTD submitted a supplier scouting opportunity (scouting number 2025-368) through the National Institute of Standards and Technology Manufacturing Extension Partnership (NIST-MEP) in compliance with Section 70916(c) of the Build America, Buy America Act (Pub. L. 117-58, November 15, 2021). NIST-MEP identified no manufacturer matches for the opportunity. NCTD estimates the total cost of

goods subject to this proposed waiver, including parts, technical support, and materials management, to be approximately \$2.8 million per year. All replacement parts must be compatible with the 2003 Siemens Desiro-series DMUs.

FTA previously waived the Buy America requirements for certain replacement parts for the DMU vehicles in 2016. 81 FR 89570 (Dec. 12, 2016).

Proposed Waiver

FTA proposes waiving Buy America requirements for the following parts identified as noncompliant with the Buy America requirements but that are necessary to keep NCTD's DMUs in a state of good repair¹:

1. Power Truck Assembly (A End)
2. Power Truck Assembly (B End)
3. Jakobs Truck Assembly
4. Transmission
5. A/C Compressors
6. Passenger Bellows
7. Passenger Information System
8. Passenger Door System
9. Threshold, Sliding Step
10. Windows
11. Axle Journal Bearings
12. Brake System
13. Brake Pads
14. SIBUS 32
15. Destination Displays

The parts listed must be OEM-compliant. The waiver would apply only to the parts described above that are procured after a notice of final waiver is published. The waiver would not apply to any other products or any other projects. Any new railcars procured for NCTD's Sprinter light rail service must comply with Buy America requirements.

Request for Comment

¹ For technical specifications of the parts as described in the RFP, see North County Transit District, Diesel Multiple Unit (DMU) Replacement Parts solicitation, PlanetBids Vendor Portal: Bid Opportunity Detail, <https://vendors.planetbids.com/portal/20134/bo/bo-detail/128254>; and Solicitation Documents (Apr. 10, 2025), <https://files-prod01.planetbids.com/NCTD/BMfiles/20250410124242017%2035747-04-06-Solicitation%20Documents.pdf>.

This notice satisfies FTA's requirement to publish any proposed Buy America waiver in the *Federal Register* and provide the public with a reasonable period for notice and comment. 49 U.S.C. 5323(j)(3). FTA also has submitted the proposed waiver to the Made in America Office at the Office of Management and Budget for publication, consistent with the requirements of Section 70914(c)(1) of the Build America, Buy America Act.

FTA seeks public and industry comment from all interested parties. In particular, FTA seeks comment regarding whether the waiver should be approved, and, if so, whether it should be modified from FTA's proposal and why. Relevant information and comments will help FTA completely understand the facts surrounding the waiver request and FTA's proposal.

Jamie D. Pfister,

Acting Executive Director.

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