



Federal Transit Administration

[Docket No. FTA-2026-0133]

Notice of Buy America Waiver for North County Transit District DMU Replacement Parts

AGENCY: Federal Transit Administration, Department of Transportation (“DOT”).

ACTION: Notice of Buy America waiver.

SUMMARY: The Federal Transit Administration (“FTA”) is granting a waiver of Buy America domestic preferences for North County Transit District (“NCTD”) to procure certain replacement parts for twelve Siemens Desiro series diesel multiple unit (“DMU”) vehicles.

DATES: The waiver is applicable on [INSERT DATE OF PUBLICATION IN THE FEDERAL REGISTER].

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

SUPPLEMENTARY INFORMATION:

Background

With certain exceptions, Buy America prohibits FTA from obligating funds for a project unless the steel, iron, manufactured goods, and construction materials used in the project are produced in the United States. 49 U.S.C. 5323(j); Pub. L. No. 117-58, § 70914. 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. *See* 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) FTA’s certification includes a list of known manufacturers in the United States from which the item can be obtained. *See* 49 U.S.C. 5323(j)(6)(A).

North County Transit District (“NCTD”) is the owner and operator of the Sprinter light rail service, which runs 22 miles from Oceanside to Escondido in San Diego County, California, 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 27 kinds of replacement parts for the DMUs. A single bidder responded, representing it could comply with Buy America for 12 of the parts specified in the RFP and could not comply 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. No. 117-58, November 15, 2021). NIST-MEP identified no manufacturer matches for the opportunity. FTA had previously waived the Buy America requirements for certain replacement parts for the DMU vehicles in 2016. 81 FR 89570 (Dec. 12, 2016).

Proposed Waiver and Request for Comments

On June 30, 2026, FTA published in the *Federal Register* a request for comments on a proposal to waive Buy America for the specific replacement parts not produced in the United States.¹

Response to Comments

FTA received no comments on its proposed waiver during the 15-day comment period.

Finding on Waiver

FTA finds that the replacement parts identified in FTA’s June 30, 2026, notice of proposed waiver are not produced in the United States in a sufficient and reasonably available amount or of a satisfactory quality. Accordingly, FTA is granting the waiver as proposed in FTA’s June 30 notice.

Matthew B. Cahill,

¹ 91 FR 39665.

Acting Deputy Administrator.

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