



U.S. Department
of Transportation

**Federal Railroad
Administration**

Administrator

1200 New Jersey Avenue, SE
Washington, DC 20590

JUN 16 2015

Mr. Bernard Reynolds
Vice President and Chief Procurement Officer
National Railroad Passenger Corporation (Amtrak)
60 Massachusetts Avenue NE
Washington, D.C.

Mr. Michael Lewis
Director
Rhode Island Department of Transportation
Two Capitol Hill
Providence, RI 02903

Re: Request for Waiver of Buy America Requirement

Dear Mr. Reynolds and Mr. Lewis:

On January 26, 2015, the Rhode Island Department of Transportation (RIDOT) and the National Railroad Passenger Corporation (Amtrak) requested a waiver from FRA's Buy America requirement to purchase one (1) No. 20 RH 136RE turnout, one (1) No. 20 LH 136RE Turnout, and one (1) No. 20 LH Crossover 136RE (Turnouts and Crossover) manufactured by VAE Nortrak North America, Inc. (Nortrak) for use in the Kingston Track Capacity and Platform Improvements Project (Kingston Project). Nortrak will manufacture the Turnouts and Crossover at its plant in Birmingham, Alabama, but the Turnouts and Crossover will contain several components (ZU1-60 steel left and right switch point rail sections and Schwihag roller assemblies and plates) not produced in the United States. The total amount of foreign material is approximately \$126,000. For the reasons set forth below, FRA is granting a waiver for the purchase of the Turnouts and Crossover.

FRA believes a waiver is appropriate under 49 U.S.C. § 24405(a)(2)(B) for the ZUI-60 steel switch point rail sections and Schwihag roller assemblies and plates because domestically-produced components meeting the specific needs of RIDOT and Amtrak for this application are not currently "produced in sufficient and reasonably available amount or are not of a satisfactory quality."

Amtrak has conducted significant market research to locate 100 percent compliant turnouts. Further, Nortrak has advised Amtrak that it is in the process of designing 100% domestic replacements for the Schwihag rollers and plates, and expects to have them

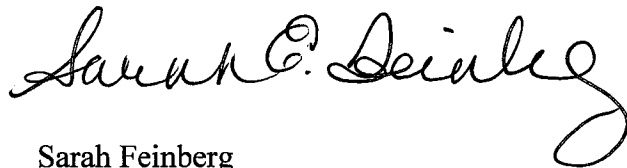
fully tested and approved in one to two years. However, Nortrak will not complete the testing and approval process in time for use in the Kingston Project. In addition, Amtrak issued a competitive solicitation for the Turnouts and Crossover and received no Buy America compliant bids.

On January 30, 2015, FRA provided public notice of this waiver request and a 15-day opportunity for comment on its website. FRA also sent an email notice to over 6,000 persons who have signed up for Buy America notices through "GovDelivery." See <http://www.fra.dot.gov/Page/P0782>. FRA received no comments.

This waiver applies only to the ZUI-60 steel switch point rail sections and Schwihag roller assemblies and plates used in the Turnouts and Crossover installed in the Kingston Project. Pursuant to 49 U.S.C. § 24405(a)(4), FRA will publish this letter granting Amtrak's and RIDOT's request in the Federal Register and provide notice of such finding and an opportunity for public comment after which this waiver will become effective.

Questions about this letter can be directed to, John Johnson, Attorney-Advisor, at John.Johnson@dot.gov or (202) 493-0078.

Sincerely,

A handwritten signature in cursive script, reading "Sarah C. Feinberg". The signature is written in black ink and is positioned above the typed name and title.

Sarah Feinberg
Acting Administrator