



U.S. Department
of Transportation

Administrator

1200 New Jersey Avenue, SE
Washington, DC 20590

**Federal Railroad
Administration**

JUN 09 2016

Mr. Gregory Taylor
AIA, Supervising Architect / Project Manager
City of Sacramento, Department of Public Works
915 I Street, Room 2000
Sacramento, CA 95814-2604

Re: Request for Waiver of Buy America Requirement

Dear Mr. Taylor:

As you are aware, on November 24, 2014, the City of Sacramento, California, Department of Public Works (Sacramento) requested a waiver from the Federal Railroad Administration's (FRA) Buy America requirement (49 U.S.C. § 24405(a)) to purchase "Marmoleum," specifically the color Walton Cirrus Original Brown #3665 (Brown Marmoleum), a natural linoleum flooring product made by Forbo Flooring Systems in the Netherlands, for use in the Sacramento Valley Station (SVS) Phase II intermodal project.¹ The Brown Marmoleum will cover 1,480 sq. ft and costs approximately \$4,690.

The SVS Phase II intermodal project is the rehabilitation of the historic 68,000 square foot train station in downtown Sacramento, California. The \$30 million project is partially funded with a \$15 million 2012 Transportation Infrastructure Generating Economic Recovery (TIGER) grant. The U.S. Department of Transportation (DOT) selected each project for 2012 TIGER Grant funding based on whether it would, among other things, promote a more environmentally sustainable transportation system. 77 Fed. Reg. 4863, 4867 (January 31, 2012). After rehabilitation, the SVS will include an Amtrak station, commercial retail and office space.

To support its waiver request, Sacramento contends that Brown Marmoleum natural linoleum is the only flooring that meets the standards in the Secretary of Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, and Reconstructing Historic Buildings. Specifically, Sacramento asserts that Brown Marmoleum is the only flooring product that sufficiently matches the design, color, and texture of the original historic flooring used in SVS. Forbo does not manufacture Brown Marmoleum in the United

¹ Sacramento also requested a non-availability Buy America waiver for a variable refrigerant flow (VRF) heating, ventilation, and air conditioning (HVAC) system to be installed into SVS. However, FRA chose to bifurcate the waiver requests since the VRF waiver was more advanced in terms of processing and was pivotal to Sacramento. FRA granted a waiver for the VRF system on June 4, 2015. See <https://www.fra.dot.gov/eLib/Details/L16619>.

States. After comparing flooring samples to the original flooring, California's State Historic Preservation Office and FRA determined Brown Marmoleum is the only product best matching the original linoleum's design, color, and texture.

Therefore, FRA is granting Sacramento's waiver request. FRA concludes a waiver is appropriate under 49 U.S.C. § 24405(a)(2)(B) for Brown Marmoleum because domestically-produced flooring meeting the specific needs of Sacramento for this application (i.e., historic preservation) is not currently "produced in sufficient and reasonably available amount or...[is] not of a satisfactory quality." 49 U.S.C. § 24405(a)(2)(B).

Pursuant to 49 U.S.C. § 24405(a)(4), FRA will publish this letter granting Sacramento'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 that reads "Sarah E. Feinberg". The signature is written in dark ink and is positioned above the typed name and title.

Sarah E. Feinberg
Administrator