

for the proposed modifications to the rail line—Modification 1B for Segment 1 and Modification 2C for Segment 2 (incorporating design changes the Port proposed in comments on the Draft Supplemental EA)<sup>6</sup>—based on the entire environmental record, including the comments received on the Draft Supplemental EA and the final recommended mitigation measures. (Final Supp. EA 5–1 to 5–2.) OEA considered and responded to the five comments received on the Draft Supplemental EA, which raised issues pertaining to fish, wildlife, and vegetation; hazardous materials; socioeconomics and environmental justice; traffic and transportation; water resources; and wetlands. (*Id.* at 3–1 to 3–11.) OEA also responded to Mr. Piercy’s comment on the Port’s petition to reopen, which raised issues pertaining to alternatives and traffic and transportation. (*Id.* at 3–1 to 3–2.) Lastly, OEA set forth its final recommended mitigation measures in Chapter 6 of the Final Supplemental EA. (*Id.* at 6–1 to 6–12.)

*The Board’s Analysis of the Environmental Issues.* The Board adopts the analysis and conclusions in both the Draft Supplemental EA and Final Supplemental EA, and the final recommended mitigation measures. The Board is satisfied that OEA, together with the FRA, has taken the requisite hard look at the potential environmental impacts associated with the Port’s proposal and properly determined that, with the recommended environmental mitigation in the Final Supplemental EA, the proposed project will not have potentially significant environmental impacts, and that preparation of an EIS is unnecessary.

#### Conclusion

In conclusion, after weighing the transportation merits and environmental issues, and considering the entire record, the Board authorizes the proposed route modifications to the Port’s project that have been assessed in the Draft and Final Supplemental EAs, subject to compliance with the mitigation measures listed in Chapter 6 of the Final Supplemental EA.

This action, as conditioned, will not significantly impact the quality of the human environment or the conservation of energy resources.

#### *It is ordered:*

- Under 49 U.S.C. 10502, the Board exempts construction of the Port’s proposed route modifications from the prior approval requirements of 49 U.S.C. 10901.

<sup>6</sup>Final Supp. EA 1–3 to 1–6, 5–1 to 5–6.

2. The Board adopts the environmental mitigation measures set forth in the Final Supplemental EA and imposes them as conditions to the exemption granted here.

3. Notice will be published in the **Federal Register** on December 3, 2019.

4. Petitions for reconsideration must be filed by December 23, 2019.

5. This decision is effective January 2, 2020.

Decided: November 26, 2019.

By the Board, Board Members Begeman, Fuchs, and Oberman.

**Kenyatta Clay,**

*Clearance Clerk.*

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project website at <http://www.SCTRE.org>.

**SUPPLEMENTARY INFORMATION:** Effective July 1, 2007, the FHWA assigned, and Caltrans assumed, environmental responsibilities for this project pursuant to 23 U.S.C. 327. Caltrans as the assigned National Environmental Policy Act (NEPA) agency, in cooperation with the Foothill/Eastern Transportation Corridor Agency (F/ETCA), will prepare a Draft EIS on a proposal for a highway improvement project in Orange County and San Diego County, California. The proposed improvements intended to address north-south regional mobility and accommodation of travel demand include the extension of the tolled State Route (SR) 241 lanes to Interstate (I) 5, the extension of Crown Valley Parkway to SR 241, new connections between Ortega Highway, Antonio Parkway, Avery Parkway, and SR–73, new general purpose lanes on I–5, new managed lanes on I–5, or combinations of these preliminary alternatives. Currently, the following alternatives are being considered, ranging from approximately 4 to 22 miles in length:

- Alternative 1/No Build Alternative; taking no action.
- Alternative 13; connect SR 241 to I–5 via a connection from Los Patrones Parkway to La Novia Avenue, I–5 widening and improvements, and the addition of HOT lanes in each direction on I–5
- Alternative 17; connect SR 241 to I–5 via a connection from Los Patrones Parkway to Avenida Vaquero, I–5 widening and improvements, and the addition of HOT lanes in each direction on I–5
- Alternative 14; connect SR 241 to I–5 via a connection from Los Patrones Parkway to Avenida Pico, I–5 widening and improvements, and the addition of HOT lanes in each direction on I–5
- Alternative 11; add I–5 general purpose lanes from I–405 to San Diego County
- Alternative 12; add I–5 HOT/toll lanes from I–405 to San Diego County
- Alternative 9; connect Ortega Highway and Antonio Parkway to Avery Parkway and SR 73
- Alternative 18; connect SR–241 to SR–73 and extend Crown Valley Parkway to SR 241
- Alternative 21; extend Los Patrones Parkway to Avenida La Pata and add HOT lanes in each direction on I–5
- Alternative 22; extend Los Patrones Parkway to Avenida La Pata
- Alternative 23; extend I–5 managed lanes from SR 73 to Basilone Road or from Avenida Pico to Basilone Road (depending on the design option)

## DEPARTMENT OF TRANSPORTATION

### Federal Highway Administration

#### Environmental Impact Statement: San Diego and Orange Counties, California

**AGENCY:** Federal Highway Administration, U.S. Department of Transportation.

**ACTION:** Notice of Intent.

**SUMMARY:** The Federal Highway Administration (FHWA), on behalf of the California Department of Transportation (Caltrans), is issuing this notice to advise the public that a Draft Environmental Impact Statement (Draft EIS) will be prepared for a proposed highway project in Orange County and San Diego County, California.

**DATES:** The formal scoping period has been extended and will occur from November 8, 2019 through January 8, 2020. The deadline for comments is now 5:00 p.m. on January 8, 2020. One scoping meeting was held on Wednesday, November 20, 2019, from 5:00 p.m. to 8:00 p.m. and the second one will be held on Wednesday, December 4, 2019 from 5:00 p.m. to 8:00 p.m.

**ADDRESSES:** The Wednesday, November 20, 2019 public scoping meeting was held at Norman P. Murray Community Center, 24932 Veterans Way, Mission Viejo, CA 92692. The Wednesday, December 4, 2019 public scoping meeting will be held at the Ocean Institute, 24200 Dana Point Harbor Drive, Dana Point, CA 92629.

**FOR FURTHER INFORMATION CONTACT:** Caltrans District 12, 1750 East 4th Street, Santa Ana, CA 92705, Attn: Env/SCTRE Scoping. Formal scoping comments can also be submitted via email at [scoping@SCTRE.org](mailto:scoping@SCTRE.org). More information can also be found at the

Anticipated Federal approvals include permits under the National Pollutant Discharge Elimination System (NPDES), Clean Water Act (CWA) Section 401 Water Quality, CWA Section 404 Nationwide Permit from the United States Army Corps of Engineers (USACE), CWA Section 10 Permit from the USACE, California Fish and Game Code Section 1602 Lake or Streambed Alteration Agreement from the California Department of Fish and Wildlife (CDFW), Section 7 Consultation with the United States Fish and Wildlife Service (USFWS) for listed species under the Federal Endangered Species Act (FESA), CDFW 2080.1 Consistency Determination for listed species under the California Endangered Species Act (CESA), and Coastal Zone Management Act (CZMA) Consistency Determination from the California Coastal Commission (CCC).

Letters describing the proposed action and soliciting comments will be sent to appropriate Federal, State, Participating Agencies, tribal governments, and local agencies, and to private organizations and citizens who have previously expressed or are known to have interest in this proposal. The public scoping process will officially begin in November 2019. In addition, a public hearing will be held once the Draft EIS is completed. Public notice will be given of the time and place of the meeting and hearing. The Draft EIS will be available for public and agency review and comment prior to the public hearing to ensure that the full range of issues related to this proposed action are addressed and all significant issues are identified, and comments and suggestions are invited from all interested parties. Comments or questions concerning this proposed action and the EIS should be directed to Caltrans at the address provided above.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.)

#### **Maiser Khaled,**

*Director, Technical Services, Federal Highway Administration, Sacramento, California.*

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## **DEPARTMENT OF TRANSPORTATION**

### **Federal Motor Carrier Safety Administration**

**[Docket No. FMCSA-2018-0369]**

### **Hours of Service of Drivers: Republic Services; Application for Exemption**

**AGENCY:** Federal Motor Carrier Safety Administration (FMCSA), DOT.

**ACTION:** Notice of application for exemption; request for comments.

**SUMMARY:** FMCSA announces that it has received an application from Republic Services requesting an exemption from the requirement that drivers of commercial motor vehicles (CMVs) qualifying for the “short-haul” exception must return to the original work reporting location and be released within 12 hours of coming on duty. Republic Services asks that its short-haul CMV drivers be permitted to return within 14 hours without losing their short-haul status. Furthermore, Republic Services requests relief from the current electronic logging device (ELD) regulations for its affiliated companies. FMCSA requests public comment on the Republic Services application for exemption.

**DATES:** Comments must be received on or before January 2, 2020.

**ADDRESSES:** You may submit comments identified by Federal Docket Management System Number FMCSA-2018-0369 by any of the following methods:

- *Federal eRulemaking Portal:* [www.regulations.gov](http://www.regulations.gov). See the *Public Participation and Request for Comments* section below for further information.
- *Mail:* Docket Management Facility, U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building, Ground Floor, Room W12-140, Washington, DC 20590-0001.
- *Hand Delivery or Courier:* West Building, Ground Floor, Room W12-140, 1200 New Jersey Avenue SE, between 9 a.m. and 5 p.m. E.T., Monday through Friday, except Federal holidays.
- *Fax:* 1-202-493-2251.

Each submission must include the Agency name and the docket number of this notice. DOT posts all comments received without change to [www.regulations.gov](http://www.regulations.gov), including personal information in a comment. Please see the *Privacy Act* heading below.

*Docket:* To read background documents or comments, go to [www.regulations.gov](http://www.regulations.gov) or visit Room W12-140 on the ground level of the West Building, 1200 New Jersey Avenue

SE, Washington, DC, between 9 a.m. and 5 p.m., ET, Monday through Friday, except Federal holidays. The on-line FDMS is available 24 hours each day, 365 days each year.

*Privacy Act:* In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including 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) at [www.dot.gov/privacy](http://www.dot.gov/privacy).

**FOR FURTHER INFORMATION CONTACT:** For information concerning this notice, please contact Mr. Richard Clemente, FMCSA Driver and Carrier Operations Division; Telephone: (202) 366-2722; Email: [MCPSD@dot.gov](mailto:MCPSD@dot.gov). If you have questions on viewing or submitting material to the docket, contact Docket Services, telephone (202) 366-9826.

#### **SUPPLEMENTARY INFORMATION:**

##### **I. Public Participation and Request for Comments**

FMCSA encourages you to participate by submitting comments and related materials.

#### *Submitting Comments*

If you submit a comment, please include the docket number for this notice (FMCSA-2018-0369), the specific section of this document to which the comment applies, and provide reasons for suggestions or recommendations. You may submit online or by fax, mail, or hand delivery, but please use only one of these means. FMCSA recommends that you include your name and a mailing address, an email address, or a phone number in your document so the Agency can contact you if it has questions about your submission.

To submit your comments online, go to [www.regulations.gov](http://www.regulations.gov) and put the docket number, “FMCSA-2018-0369” in the “Keyword” box, and click “Search.” When the new screen appears, click on the “Submit a Formal Comment” button and type your comment into the text box in the following screen. Indicate whether you are submitting your comment as an individual or on behalf of a third party and then submit. If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit comments by mail and would like to know that they reached the facility, please enclose a stamped, self-addressed postcard or envelope. FMCSA