

Line should be granted, subject to compliance with the environmental mitigation set forth in the Final EA, for either the Green Alternative (Option A or B) or the Blue Alternative (Option A or B).<sup>6</sup> The Board will also grant the unopposed Crossing Petition.

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

*It is ordered:*

1. TREX's petition for an exemption under 49 U.S.C. 10502 from the prior approval requirements of 49 U.S.C. 10901 to construct and operate the Line is granted as discussed above.

2. TREX's request for a conditional grant of the petition is denied as moot.

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

4. TREX's petition for issuance of a crossing order pursuant to 49 U.S.C. 10901(d) is granted.

5. Notice will be published in the **Federal Register** on January 23, 2020.

6. Petitions for reconsideration must be filed by February 6, 2020.

7. This decision is effective on the date of service.

Decided: January 16, 2020.

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

**Brendetta Jones,**  
*Clearance Clerk.*

[FR Doc. 2020-01095 Filed 1-22-20; 8:45 am]

**BILLING CODE 4915-01-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Railroad Administration

[Docket No. FRA-2001-11213, Notice No. 24]

#### Drug and Alcohol Testing: Determination of Minimum Random Testing Rates for 2020

**AGENCY:** Federal Railroad Administration (FRA), Department of Transportation (DOT).

**ACTION:** Notification of determination.

**SUMMARY:** This notification of determination announces FRA's minimum annual random drug and minimum annual random alcohol testing rates for covered employees and

for maintenance-of-way (MOW) employees for calendar year 2020.

**DATES:** This determination takes effect January 23, 2020.

**FOR FURTHER INFORMATION CONTACT:** Gerald Powers, FRA Drug and Alcohol Program Manager, W33-310, Federal Railroad Administration, 1200 New Jersey Avenue SE, Washington, DC 20590 (telephone 202-493-6313); or Sam Noe, FRA Drug and Alcohol Program Specialist, Federal Railroad Administration (telephone 615-719-2951).

**SUPPLEMENTARY INFORMATION:** FRA is announcing the 2020 minimum annual random drug and alcohol testing rates for covered service employees, and the 2020 minimum annual random drug and alcohol testing rates for MOW employees. For calendar year 2020, the minimum annual random testing rates for covered service employees will continue to be 25 percent for drugs and 10 percent for alcohol, while the minimum annual random testing rates for MOW employees will continue to be 50 percent for drugs and 25 percent for alcohol.

To set its minimum annual random testing rates for each year, FRA examines the last two complete calendar years of railroad industry drug and alcohol program data submitted to its Management Information System (MIS). The rail industry's random drug testing positive rate for covered service employees (employees subject to the hours of service laws and regulations) remained below 1.0 percent for 2017 and 2018. The Administrator has therefore determined the minimum annual random drug testing rate for the period January 1, 2020, through December 31, 2020, will remain at 25 percent for covered service employees. The industry-wide random alcohol testing violation rate for covered service employees remained below 0.5 percent for 2017 and 2018. Therefore, the Administrator has determined the minimum random alcohol testing rate will remain at 10 percent for covered service employees for the period January 1, 2020, through December 31, 2020. Because these rates represent minimums, railroads may conduct FRA random testing at higher rates.

MOW employees became subject to FRA random drug and alcohol testing in June 2017. The Administrator has determined that the minimum annual random testing rates initially established for MOW employees will remain in effect because FRA does not have MIS data for two consecutive years that represents their industry-wide performance rates. Specifically, MOW

employees became subject to FRA random testing effective June 12, 2017, and the resulting 2017 MIS data FRA received reflected industry-wide MOW random testing rates that were below the annual minimum rates of 50 percent (drugs) and 25 percent (alcohol) for MOW employees. Therefore, for the period January 1, 2020, through December 31, 2020, the minimum annual random drug testing rate will continue to be 50 percent for MOW employees, and the minimum annual random alcohol testing rate will continue to be 25 percent for MOW employees. As with covered service employees, because these rates represent minimums, railroads may conduct FRA random testing of MOW employees at higher rates.

Issued in Washington, DC.

**Ronald L. Batory,**  
*Administrator, Federal Railroad  
Administration.*

[FR Doc. 2020-01011 Filed 1-22-20; 8:45 am]

**BILLING CODE 4910-06-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Transit Administration

#### Prevention of Alcohol Misuse and Prohibited Drug Use in Transit Operations

**AGENCY:** Federal Transit Administration (FTA), DOT.

**ACTION:** Notice of calendar year 2020 random drug and alcohol testing rates.

**SUMMARY:** This notice announces the calendar year 2020 drug and alcohol random testing rates for employer's subject to 49 CFR part 655. The minimum random drug testing rate will remain at 50 percent and the random alcohol rate will remain at 10 percent.

**DATES:** Applicable Date: January 1, 2020.

**FOR FURTHER INFORMATION CONTACT:** Iyon Rosario, Drug and Alcohol Program Manager in the Office of Transit Safety and Oversight, 1200 New Jersey Avenue SE, Washington, DC 20590 (telephone: 202-366-2010 or email: [Iyon.Rosario@dot.gov](mailto:Iyon.Rosario@dot.gov)).

**SUPPLEMENTARY INFORMATION:** On January 1, 1995, FTA required large transit employers to begin drug and alcohol testing employees performing safety-sensitive functions, and submit annual reports by March 15 of each year beginning in 1996 pursuant to drug and alcohol regulations adopted by FTA at 49 CFR parts 653 and 654 in February 1994. The annual report includes the number of employees who had a verified positive for the use of

<sup>6</sup>The mitigation conditions apply both to the construction and operation of the Line and the proposed crossing over UP's tracks. As previously noted, OEA considered the potential impacts from both the Line and the possible crossing in the Draft and Final EA.

prohibited drugs, and the number of employees who tested positive for the misuse of alcohol during the reported year. Small employers commenced their FTA-required testing on January 1, 1996, and began reporting the same information as the large employers beginning March 15, 1997.

The FTA updated the testing rules on August 1, 2001 (66 FR 42002) and maintained a random testing rate for prohibited drugs at 50 percent and the misuse of alcohol at 10 percent, which the Administrator may lower if the violation rates dropped below the thresholds set forth in 49 CFR 665.45 for 2 consecutive years. Accordingly, based on the recent violation rates, in 2007, FTA reduced the random drug testing rate from 50 percent to 25 percent (72 FR 1057, January 7, 2007). In 2018, however, FTA increased the random drug testing rate to 50 percent for calendar year 2019 based on verified industry data for calendar year 2017, which showed the rate had exceeded 1 percent (83 FR 63812, December 12, 2018).

Pursuant to 49 CFR 655.45, the Administrator's decision to increase or decrease the minimum annual percentage rate for random drug and alcohol testing is based, in part, on the reported positive drug and alcohol violation rates for the entire public transportation industry. The information used for this determination is drawn from the drug and alcohol Management Information System (MIS) reports required by 49 CFR 655.72. In determining the reliability of the data, the Administrator considers the quality and completeness of the reported data, or may obtain additional information or reports from employers, and make appropriate modifications in calculating the industry's verified positive results and violation rates.

For calendar year 2020, the Administrator has determined the random drug testing rate for covered employees will remain at 50 percent based on a verified positive rate of 1.17 percent for calendar year 2018. Further, the Administrator has determined the random alcohol testing rate for calendar year 2020 will remain at 10 percent because the violation rate again was lower than 0.5 percent for calendar years 2016 and 2017. The random alcohol violation rates were 0.148 percent for 2016 and 0.160 for 2017. Detailed reports on FTA's drug and alcohol testing data collected from transit employers may be obtained from FTA, Office of Transit Safety and Oversight, 1200 New Jersey Avenue SE, Washington, DC 20590, (202) 366-2010 or at <https://transit-safety.fta.dot.gov/>

*DrugAndAlcohol/Publications/Default.aspx.*

Issued in Washington, DC.

**K. Jane Williams,**

*Acting Administrator.*

[FR Doc. 2020-01071 Filed 1-22-20; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Federal Transit Administration

#### Limitation on Claims Against Proposed Public Transportation Projects

**AGENCY:** Federal Transit Administration (FTA); DOT; U.S. Army Corps of Engineers (USACE).

**ACTION:** Notice of limitation on claims for judicial review of actions by the USACE.

**SUMMARY:** FTA is issuing this notice to announce action taken by the USACE that is final within the meaning of the United States Code. The action relates to the construction of the Potomac Yard Metrorail Station in the City of Alexandria, Virginia (the Project). The USACE granted a Department of the Army permit, pursuant to Section 404 of the Clean Water Act, as amended, authorizing the City of Alexandria to discharge dredged or fill material into Waters of the United States at specified locations related to the Project.

**DATES:** By this notice, FTA is advising the public of final agency actions subject to 23 U.S.C. 139(l). A claim seeking judicial review of the identified Federal agency action related to the Project will be barred unless the claim is filed on or before June 22, 2020. If the Federal law that authorizes judicial review of a claim provides a time period of less than 150 days for filing such claim, then that shorter time period still applies.

**FOR FURTHER INFORMATION CONTACT:** For FTA: Nancy-Ellen Zusman, Assistant Chief Counsel, Office of Chief Counsel, (312) 353-2577 or Juliet Bochicchio, Environmental Protection Specialist, Office of Environmental Programs, (202) 366-9348. FTA is located at 1200 New Jersey Avenue SE, Washington, DC 20590. Office hours are from 9:00 a.m. to 5:00 p.m., Monday through Friday, except Federal holidays. For USACE: Department of the Army, Norfolk District, U.S. Army Corps of Engineers Regulatory Branch, Attn: Theresa Crockett-Augustine, 18139 Triangle Shopping Plaza, Suite 213, Dumfries, Virginia, 22026; telephone: (757) 201-7194.

**SUPPLEMENTARY INFORMATION:** Notice is hereby given that the USACE has taken final agency action by issuing certain approval related to the Project. The actions on the Project, as well as the laws under which such actions were taken, are described in the Department of the Army Permit and related documents in the USACE administrative record for the permit action. Interested parties may contact the USACE Norfolk District for more information on the USACE's permit decision. Contact information for the appropriate USACE representative is above. Contact information for FTA's Regional Offices may be found at <https://www.fta.dot.gov>.

This notice applies to all USACE decisions on the listed project as of the issuance date of this notice and all laws under which such actions were taken, including, but not limited to, NEPA [42 U.S.C. 4321-4375], Section 106 of the National Historic Preservation Act [54 U.S.C. 306108], and the Clean Water Act [33 U.S.C. 1251-1387]. This notice does not, however, alter or extend the limitation period for challenges of project decisions subject to previous notices published in the **Federal Register**. The project and action that is the subject of this notice follow:

*Project name and location:* Potomac Yard Metrorail Station, City of Alexandria, Virginia. *Project sponsor:* City of Alexandria. *Project description:* The project will construct the new Potomac Yard Metrorail Station, associated tracks, and additional auxiliary structures on an approximately 18-acre site in Alexandria, Virginia for use by the Washington Metropolitan Area Transit Authority. *Final agency action:* Department of the Army permit issued pursuant to Section 404 Clean Water Act, effective November 15, 2019. *Supporting documentation:* USACE Finding of No Significant Impact issued November 15, 2019. The USACE decision and permit No. NAO 2012-02012/19-V0170 are available by contacting USACE at the address provided above.

This notice applies to all Federal agency decisions as of the issuance date of this notice and all laws under which the final action was taken.

**Authority:** 23 U.S.C. 139(l)(1).

**Felicia L. James,**

*Associate Administrator for Planning and Environment.*

[FR Doc. 2020-01004 Filed 1-22-20; 8:45 am]

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