

a Delaware limited liability company that provides intrastate paratransit, shuttle, and line-run services pursuant to contracts with regional transportation authorities and other organizations in, primarily, New Jersey and eastern Pennsylvania. (*Id.* at 6.) It also provides private charter motor coach services, including coach and shuttle ground transportation services for passengers, primarily in eastern Pennsylvania. (*Id.*) Van Pool represents that Easton has approximately 750 passenger-carrying vehicles, including 21 motor coaches, and it utilizes approximately 800 drivers. (*Id.*) The geographic areas served by Easton do not overlap with the geographic areas serviced by NRT, Trombly, and Salter. (*Id.*)

Van Pool states that it intends to maintain and continue the services provided by Easton to the public. (*Id.* at 9.) It expects that the transaction will result in improved operating efficiencies, increased equipment utilization rates, and costs savings, all of which will help ensure the provision of adequate service to the public. (*Id.*)

Under 49 U.S.C. 14303(b), the Board must approve and authorize a transaction that it finds consistent with the public interest, taking into consideration at least: (1) The effect of the proposed transaction on the adequacy of transportation to the public, (2) total fixed charges that result from the proposed transaction, and (3) the interest of affected carrier employees. Van Pool has submitted the information required by 49 CFR 1182.2, including information to demonstrate that the transaction is consistent with the public interest under 49 U.S.C. 14303(b), *see* 49 CFR 1182.2(a)(7), and a jurisdictional statement under 49 U.S.C. 14303(g) that the aggregate gross operating revenues of the involved carriers exceeded \$2 million during the 12-month period immediately preceding the filing of the application, *see* 49 CFR 1182.2(a)(5). (*See* Appl. 7–13.)

Van Pool asserts that the transaction will not have a material, detrimental impact on the adequacy of transportation services currently available to the public. (*Id.* at 9.) Van Pool intends that the services provided by Easton currently available to the public will be maintained and that Easton will continue to operate under the same name, just within the holdings of Van Pool. (*Id.*) Van Pool further represents that it is experienced in the same market segments served by Easton—intrastate paratransit, shuttle, and line-run services—and, because of Van Pool’s passenger carrier management capacity, the transaction is expected to result in improved

operating efficiencies, increased equipment utilization rates, and cost savings. (*Id.*) Thus, Van Pool states, the transaction will help ensure the provision of adequate transportation services to the public. (*Id.* at 9–10.)

Van Pool claims that neither competition nor the public interest will be adversely affected by the proposed transaction. (*Id.* at 11–12.) Van Pool states that while demand for interstate passenger motor carriers has been reduced as a result for the COVID–19 pandemic, as the public health situation continues to improve, Van Pool expects that demand for Easton’s services will increase. (*Id.* at 12.) And, according to Van Pool, competition for such services is strong; Easton competes directly with other passenger charter services, including J&J Luxury Transportation, Hagey Coach & Tours, Martz Bus, Perkiomen Travel & Tours, and Trans-Bridge Lines. (*Id.*) In addition, Van Pool asserts that all charter service providers, including Easton, also compete with “other modes of passenger transportation, including rail, low-cost airlines, and passenger transportation network companies.” (*Id.*) Van Pool also states that Easton does not compete with any of the other three passenger motor carriers owned by Van Pool because “there is virtually no overlap in the service areas and/or customer bases among [NRT, Trombly, and Salter] and Easton in that regard.” (*Id.*)

Van Pool states that although the transaction will increase fixed charges in the form of interest expenses, the increase will not impact the provision of transportation services to the public. (*Id.* at 10.)

Finally, Van Pool asserts that the transaction will not have a substantial impact on employees or labor conditions because it intends to continue the existing operations of Easton. (*Id.*) Van Pool states that staffing redundancies, though, could potentially result in limited downsizing of back-office and/or managerial level personnel. (*Id.*)

The Board finds that the acquisition as described in the application, as supplemented, is consistent with the public interest and should be tentatively approved and authorized. If any opposing comments are timely filed, these findings will be deemed vacated, and, if a final decision cannot be made on the record as developed, a procedural schedule will be adopted to reconsider the application. *See* 49 CFR 1182.6. If no opposing comments are filed by the expiration of the comment period, this notice will take effect automatically and will be the final Board action.

This action is categorically excluded from environmental review under 49 CFR 1105.6(c).

Board decisions and notices are available at [www.stb.gov](http://www.stb.gov).

*It is ordered:*

1. The transaction is approved and authorized, subject to the filing of opposing comments.

2. If opposing comments are timely filed, the findings made in this notice will be deemed vacated.

3. This notice will be effective September 28, 2021, unless opposing comments are filed by September 27, 2021. If any comments are filed, Applicant may file a reply by October 11, 2021.

4. A copy of this notice will be served on: (1) The U.S. Department of Transportation, Federal Motor Carrier Safety Administration, 1200 New Jersey Avenue SE, Washington, DC 20590; (2) the U.S. Department of Justice, Antitrust Division, 10th Street & Pennsylvania Avenue NW, Washington, DC 20530; and (3) the U.S. Department of Transportation, Office of General Counsel, 1200 New Jersey Avenue SE, Washington, DC 20590.

Decided: August 5, 2021.

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

**Jeffrey Herzig,**  
Clearance Clerk.

[FR Doc. 2021–17133 Filed 8–10–21; 8:45 am]

BILLING CODE 4915–01–P

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## DEPARTMENT OF TRANSPORTATION

### Federal Highway Administration

[Docket No. FHWA–2021–0012]

#### Proposed First Renewal of Memorandum of Understanding (MOU) Assigning Certain Federal Environmental Responsibilities to the State of Nebraska, Including National Environmental Policy Act (NEPA) Authority for Certain Categorical Exclusions (CEs)

**AGENCY:** Federal Highway Administration (FHWA), DOT.

**ACTION:** Notice of proposed first renewal of MOU; request for comments.

**SUMMARY:** The FHWA and the State of Nebraska, acting by and through its Department of Transportation (State), propose renewing the MOU providing participation of the State in the Categorical Exclusion Assignment program. This program allows FHWA to assign its authority and responsibility for determining whether certain designated activities within the

geographic boundaries of the State, as specified in the proposed MOU, are categorically excluded from preparation of an environmental assessment or an environmental impact statement under the National Environmental Policy Act.

**DATES:** Comments must be received on or before September 10, 2021.

**ADDRESSES:** You may submit comments, identified by Docket Number FHWA–2021–0012, by any of the methods described below. To ensure that you do not duplicate your submissions, please submit them by only one of the following means:

- *Federal eRulemaking Portal:* Go to <http://www.regulations.gov> and follow the online instructions for submitting comments.

- *Mail:* U.S. Department of Transportation, Docket Operations, 1200 New Jersey Avenue SE, Room W12–140, Washington, DC 20590–0001.

- *Hand Delivery or Courier:* U.S. Department of Transportation, Docket Operations, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC, between 9:00 a.m. and 5:00 p.m. ET, except Federal holidays.

- *Fax:* (202) 493–2251.

*Instructions:* You must include the agency name and docket number FHWA–2021–0012 at the beginning of your comments. All comments received will be posted without change to <http://www.regulations.gov>, including any personal information provided.

**FOR FURTHER INFORMATION CONTACT:** For FHWA: Melissa Maiefski; by email at [Melissa.Maiefski@dot.gov](mailto:Melissa.Maiefski@dot.gov) or by telephone at 402–742–8473. The Nebraska Division Office’s normal business hours are 8 a.m. to 5 p.m. (Central Standard Time), Monday through Friday, except Federal holidays. For the State of Nebraska: Brandie Neemann; by email at [Brandie.Neemann@nebraska.gov](mailto:Brandie.Neemann@nebraska.gov) or by telephone at 402–479–4795. The Nebraska Department of Transportation’s business hours are 8 a.m. to 5 p.m. (Central Standard Time), Monday through Friday, except State and Federal holidays.

**SUPPLEMENTARY INFORMATION:**

**Electronic Access and Filing**

This document, a complete copy of the proposed first renewal MOU, background documents, and comments received may be viewed online through the Federal eRulemaking portal at <http://www.regulations.gov>. The website is available 24 hours each day, 365 days each year. An electronic copy of this document may also be downloaded by accessing the Office of the Federal

Register’s website at [www.federalregister.gov](http://www.federalregister.gov) and the Government Publishing Office’s website at [www.govinfo.gov](http://www.govinfo.gov).

**Background**

Section 326 of Title 23, United States Code (U.S.C.), creates a program that allows the Secretary of the U.S. Department of Transportation (Secretary), to assign, and a State to assume, responsibility for determining whether certain highway projects are included within classes of action that are categorically excluded (CE) from requirements for environmental assessments or environmental impact statements pursuant to the National Environmental Policy Act of 1969, 42 U.S.C. 4321 *et seq.* (NEPA). In addition, this program allows the assignment of other environmental review requirements applicable to Federal highway projects. The FHWA is authorized to act on behalf of the Secretary with respect to these matters.

The FHWA would execute the first renewal of Nebraska’s participation in this program through an MOU. Statewide decision making responsibility would be assigned for all activities identified in the MOU within the categories listed in 23 CFR 771.117(c) and those listed as examples in 23 CFR 771.111(d), and any activities added through FHWA rulemaking to those listed in 23 CFR 771.117(c) or example activities listed in 23 CFR 771.117(d) after the date of the execution of this MOU. In addition to the NEPA CE determination responsibilities, the MOU would assign to the State the responsibility for conducting Federal environmental review, consultation, and other related activities for projects that are subject to the MOU with respect to the following Federal laws and Executive Orders:

- Clean Air Act (CAA), 42 U.S.C. 7401–7671q. *Including determinations for project-level conformity if required for the project, except as specified in Stipulation II.B.2 of the MOU*
- Noise Control Act of 1972, 42 U.S.C. 4901–4918
- Compliance with the noise regulations in 23 CFR part 772 (except approval of the State noise policy in accordance with 23 CFR 772.7)
- Section 7 of the Endangered Species Act of 1973, 16 U.S.C. 1531–1544, and 1536
- Fish and Wildlife Coordination Act, 16 U.S.C. 661–667d
- Migratory Bird Treaty Act, 16 U.S.C. 703–712
- Bald and Golden Eagle Treaty Act, as amended, 16 U.S.C. 668–668c

- Section 106 of the National Historic Preservation Act of 1966, as amended, 54 U.S.C. 306108
- Archeological Resources Protection Act of 1979, 16 U.S.C. 470aa–mm.
- Title 54, Chapter 3125—Preservation of Historical and Archeological Data, 54 U.S.C. 312501–312508
- Native American Grave Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3001–3013; 18 U.S.C. 1170
- Section 4(f) of the Department of Transportation Act of 1966, 23 U.S.C. 138 and 49 U.S.C. 303; 23 CFR part 774, *except as specified in Stipulation II.B.2 of the MOU*
- American Indian Religious Freedom Act, 42 U.S.C. 1996
- Farmland Protection Policy Act (FPPA), 7 U.S.C. 4201–4209
- Clean Water Act, 33 U.S.C. 1251–1377, Sections 401, 404, and 319
- Rivers and Harbors Act of 1899, 33 U.S.C. 403
- Wild and Scenic Rivers Act, 16 U.S.C. 1271–1287
- Emergency Wetlands Resources Act, 16 U.S.C. 3921, 3931
- Wetlands Mitigation, 23 U.S.C. 103(b)(6)(m), 133(b)(3)
- FHWA wetland and natural habitat mitigation regulations, 23 CFR part 777
- Flood Disaster Protection Act, 42 U.S.C. 4001–4128
- Safe Drinking Water Act (SDWA), 42 U.S.C. 300f–300j–6
- Land and Water Conservation Fund (LWCF), Public Law 88–578, 78 Stat. 897 (known as Section 6(f))
- Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. 9601–9675
- Superfund Amendments and Reauthorization Act of 1986 (SARA), 42 U.S.C. 9671–9675
- Resource Conservation and Recovery Act (RCRA), 42 U.S.C. 6901–6992k
- Landscaping and Scenic Enhancement (Wildflowers), 23 U.S.C. 319
- E.O. 11990, Protection of Wetlands
- E.O. 11988, Floodplain Management (except approving design standards and determinations that a significant encroachment is the only practicable alternative under 23 CFR 650.113 and 650.115)
- E.O. 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low Income Populations
- E.O. 11593, Protection and Enhancement of Cultural Resources
- E.O. 13007, Indian Sacred Sites
- E.O. 13175 Consultation and Coordination with Indian Tribal Governments

- E.O. 13122 and E.O. 13751, Invasive Species
- Planning and Environmental Linkages, 23 U.S.C. 168, except for those FHWA responsibilities associated with 23 U.S.C. 134 and 135
- Programmatic Mitigation Plans, 23 U.S.C. 169 except for those FHWA responsibilities associated with 23 U.S.C. 134 and 135.

The MOU allows the State to act in the place of FHWA in carrying out the functions described above, except with respect to government-to-government consultations with federally recognized Indian Tribes. The FHWA will retain responsibility for conducting formal government-to-government consultation with federally recognized Indian Tribes, which is required under some of the above-listed laws and Executive Orders. The State may also assist FHWA with formal consultations, with consent of a tribe, but FHWA remains responsible for the consultation.

This assignment includes transfer to the State of Nebraska the obligation to fulfill the assigned environmental responsibilities on any proposed projects meeting the criteria in Stipulation 1(B) of the MOU that were determined to be CEs prior to the effective date of the proposed MOU but that have not been completed as of the effective date of the MOU.

The FHWA will consider the comments submitted on the proposed first renewal MOU when making its decision on whether to execute this MOU. The FHWA will make the final, executed MOU publicly available.

(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.)

*Authority:* 23 U.S.C. 326; 42 U.S.C. 4331, 4332; 23 CFR 771.117; 40 CFR 1507.3, 1508.4.

**Joseph A. Werning,**  
Division Administrator, Federal Highway Administration.

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**BILLING CODE 4910-22-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Highway Administration

#### Notice of Intent To Prepare a Draft Environmental Impact Statement for the Interstate 405 ExpressLanes Project, in Los Angeles County, California

**AGENCY:** Federal Highway Administration (FHWA), Department of Transportation (DOT).

**ACTION:** Notice of Intent (NOI) to prepare a Draft Environmental Impact Statement (Draft EIS) for the Interstate 405 (I-405) ExpressLanes project.

**SUMMARY:** The FHWA, on behalf of the California Department of Transportation (Caltrans), is issuing this notice to advise the public that a Draft EIS will be prepared for the I-405 ExpressLanes project, a proposed highway project in Los Angeles County, California.

**DATES:** This notice will be accompanied by a 30-day public scoping comment period from Tuesday, August 3, 2021, to Wednesday, September 1, 2021. The deadline for comments is 5:00 p.m. (PST) on September 1, 2021. Three virtual public scoping meetings will be held on:

- Saturday, August 14, 2021; 10 a.m.–12 p.m.
- Tuesday, August 17, 2021; 6–8 p.m.
- Wednesday, August 18, 2021; 11:30 a.m.–1:30 p.m.

**ADDRESSES:** The virtual meeting link will be made available on the project website at [www.metro.net/405expresslanes](http://www.metro.net/405expresslanes).

**FOR FURTHER INFORMATION CONTACT:** For Caltrans, contact Ronald Kosinski, Deputy District Director, Division of Environmental Planning, Caltrans District 7, 100 S Main Street, MS 16A, Los Angeles, CA 90012, (213) 507-4301, or email [Ron.kosinski@dot.ca.gov](mailto:Ron.kosinski@dot.ca.gov). For FHWA, contact David Tedrick, telephone (916) 498-5024, or email [David.tedrick@dot.gov](mailto:David.tedrick@dot.gov).

**SUPPLEMENTARY INFORMATION:** Effective July 1, 2007, 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, will prepare a Draft EIS on a proposal for a highway improvement project in Los Angeles County, California.

The Project proposes to improve traffic conditions on I-405 starting in the south at Interstate 10 (I-10) and terminating in the north at U.S. Highway 101 (US-101). The proposed Project will reduce congestion,

encourage carpooling and transit, improve trip reliability, reduce degradation of the carpool and general-purpose lanes, increase person throughput, and apply technology to help manage traffic. The range of improvements may include, but not be limited to, converting existing HOV lanes to Express Lanes or adding an additional Express Lane in each direction and converting existing HOV lanes to ExpressLanes.

Currently, the following alternatives are being considered, all approximately 10 miles in length:

- *Alternative 1:* The No-Build/No Action Alternative does not include improvements to the existing lanes along I-405 between I-10 and US-101.
- *Alternative 2:* Convert Existing HOV to One ExpressLane (Standard Lane and Shoulder Widths). This build alternative would convert the existing HOV lane in each direction, along I-405 between I-10 and US-101, to an ExpressLane. The northbound and southbound directions of the freeway would be restriped within the existing footprint to accommodate one 12-foot wide ExpressLane with a 4-foot wide buffer separating the ExpressLane from the 12-foot wide general-purpose lanes. Dynamic pricing would be deployed in the ExpressLane to ensure trip reliability and traffic flow. Installation of toll and communication infrastructure and modification/installation of overhead signs would be required. Alternative 2 proposes to widen the freeway, where necessary, to accommodate an additional weave lane at ExpressLane ingress/egress locations and maintain stopping sight distance at curves. Non-standard inside shoulders would be maintained in a few locations where constraints exist, and standard 10-foot outside shoulders would be provided where possible. Retaining walls would be provided where required to minimize and avoid right-of-way (ROW) acquisition. Other improvements include construction of retaining walls and sound walls, utility improvements, and drainage improvements.

- *Alternative 3:* Convert Existing HOV Lane to Two ExpressLanes (Non-Standard Lane and Shoulder Widths). This build alternative would convert the existing HOV lane to an ExpressLane and add a second ExpressLane in each direction between I-10 and US-101. The freeway would be widened and restriped to accommodate the two ExpressLanes with a buffer separating the ExpressLanes from the general-purpose lanes. Dynamic pricing would be deployed in the ExpressLanes to ensure trip reliability and traffic flow.