DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Notice of Final Federal Agency Actions on Proposed Highway in Minnesota

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of limitations on claims for Judicial Reviews by FHWA.

SUMMARY: This notice announces actions taken by FHWA and other Federal Agencies that are final in the meaning of 23 U.S.C. 139(l)(1). The actions relate to a proposed highway project corridor connecting Trunk Highway 169 and United States Highway 212 in the vicinity of Trunk Highway 41 in the Counties of Scott and Carver, State of Minnesota. The Federal decisions of a tiered environmental review process under the National Environmental Policy Act, 42 U.S.C. 4321–4351 (NEPA), and implementing regulations on tiering, 40 CFR 1502.20 and 40 CFR 1508.28, determined certain issues relating to the proposed action. Those Tier I decisions will be used by Federal agencies in subsequent proceedings, including decisions whether to grant licenses, permits, and approvals for highway project(s).

DATES: By this notice, FHWA is advising the public of the final agency actions subject to 23 U.S.C. 139(l)(1). A claim seeking judicial review of the Federal agency actions on the highway project will be barred unless the claim is filed on or before November 9, 2015. If the Federal law that authorizes judicial review of a claim provides a time period of less than 150 days for filing such a claim, then that shorter time period still applies.

FOR FURTHER INFORMATION CONTACT: For FHWA: Philip Forst, Environmental Specialist, FHWA, Minnesota Division, 380 Jackson Street, Suite 500, Saint Paul, MN 55101, phil.forst@dot.gov, Phone: (651) 291–6100. For the Minnesota Department of Transportation, Diane Langenbach, Project Manager, Minnesota Department of Transportation, Metro District, 1500 West County Road B2, Roseville, MN 55113, Phone: (651) 234–7721.

SUPPLEMENTARY INFORMATION: Notice is hereby given that FHWA has issued at Tier I Record of Decision (ROD) in connection with a proposed highway project in the State of Minnesota: Construction of a new Trunk Highway (TH) 41 Minnesota River crossing connecting Trunk Highway 169 and United States (US) Highway 212 in the vicinity of the existing Trunk Highway 41. A modified Alternative C–2 corridor was the selected alternative in the Tier I FEIS. The selected alternative is an approximately 3 mile long, 300-foot wide corridor to accommodate a new four-lane east-west regional freeway connection between US 169 and US 212 that will improve regional accessibility and alleviate traffic congestion. Approximately six corridor alternatives were evaluated in the Tier I process. The selected alternative is the only corridor build alternative to be carried forward into a future Tier II EIS.

The Tier I final Federal agency decisions, and the laws under which such actions were taken, are described in the Tier I Final Environmental Impact Statement (FEIS), approved on November 12, 2014, in the Record of Decision (ROD) issued on March 16, 2015, and in other documents in the project records. The FEIS, ROD, and other documents in the project file are available by contacting the Minnesota Division of the FHWA or the Minnesota Department of Transportation at the addresses provided above. The FEIS and ROD can be viewed on the project Web site at http://www.dot.state.mn.us/metroro/ Projects/hwy41bridge/documents.html, or obtained by contacting the individuals listed above.

This notice applies to all Federal agency decisions that are final in the meaning of 23 U.S.C. 139(l)(1) as of the issuance date of this notice and all laws under which such actions were taken, including but not limited to:


(Catalog of 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.)
DEPARTMENT OF TRANSPORTATION

[4910–EX–P]

Federal Motor Carrier Safety Administration

[Notice FR Doc. 2015–14080 Filed 6–11–15; 8:45 am]

SUMMARY: FMCSA announces its decision to renew an exemption from the 30-minute rest break provision of the Agency’s hours-of-service (HOS) regulations for commercial motor vehicle (CMV) drivers transporting livestock. The Agricultural and Food Transporters Conference (AFTC) of the American Trucking Associations (ATA) requested that the exemption, granted on behalf of several associations of agricultural transporters, be renewed to enable these drivers to continue to safeguard the health of certain livestock during long-haul deliveries by not having to take the rest break. The Agency has determined that it is appropriate to renew this exemption for a period of two years to ensure the wellbeing of the Nation’s livestock during interstate transportation by CMV. The exemption, subject to the terms and conditions imposed, will likely achieve a level of safety that is equivalent to, or greater than, the level that would be achieved by the current regulation (49 CFR 381.305). The decision of the Agency must be published in the Federal Register (49 CFR 381.315(b)) with the reason for the grant or denial, and, if granted, the specific person or class of persons receiving the exemption, and the regulatory provision or provisions from which exemption is granted. The notice must also specify the effective period of the exemption (up to 2 years), and explain the terms and conditions of the exemption. The exemption may be renewed (49 CFR 381.300(b)).

BACKGROUND

On December 27, 2011, FMCSA published a final rule amending its HOS regulations for drivers of property-carrying CMVs. The final rule included a provision requiring drivers to take a rest break during the workday under certain circumstances. Drivers may drive a CMV only if a period of 8 hours or less has passed since the end of their last off-duty or sleeper-berth period of at least 30 minutes. FMCSA did not specify when drivers must take the minimum 30-minute break, but the rule requires that they wait no longer than 8 hours after the last off-duty or sleeper-berth period of that length or longer to take the break. This new requirement, as amended by a subsequent decision of the United States Court of Appeals for the DC Circuit, is codified at 49 CFR 395.3(a)(3)(ii).

Exemption

On June 19, 2013, the National Pork Producers Council (NPPC) on behalf of itself and 12 trade associations, including ATA’s Agricultural and Food Transporters Conference, requested a limited two-year exemption from the rest-break requirement for drivers of CMVs engaged in the transportation of livestock. A copy of the request is included in the docket referenced at the beginning of this notice.

The NPPC stated that complying with the 30-minute rest break rule would cause livestock producers and their drivers irreparable harm, place the health and welfare of the livestock at risk, and provide no apparent benefit to public safety, while forcing the livestock industry and its drivers to choose