

AAAH notes that “staffing redundancies could potentially result in limited downsizing of back-office and/or managerial level personnel.” (*Id.*)

Finally, AAAHI states that the impact of the proposed transaction on the regulated motor carrier industry would be minimal and that neither competition nor the public interest would be adversely affected. AAAHI cites Board precedent finding that there are low barriers to entry in the passenger motor carrier industry and that the industry is characterized by healthy intramodal and intermodal competition. AAAHI also states that the Board has consistently found that the acquisition of control of numerous motor carriers by a non-carrier can result in better overall service without harming competition. AAAHI goes on to explain that there are a substantial number of competitors operating in the markets in which Lux Bus competes (*i.e.*, the markets for charter and shuttle services in the Los Angeles and San Francisco areas; tour services to amusement attractions in the Los Angeles area; and daily roundtrip and one-way service between Los Angeles and Las Vegas). Specifically, AAAHI states that there are a variety of charter and shuttle service providers where it operates, ranging from small charter and tour operators to very large corporate charter operators, and that service between Los Angeles and Las Vegas is provided by a number of other motor carriers as well as airlines. AAAHI further states that there is limited, if any, overlap in service areas or in customer bases among the Affiliated Carriers and Lux Bus.

On the basis of the application, the Board finds that the proposed acquisition 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, unless a final decision can be made on the record as developed, a procedural schedule will be adopted to reconsider the application. See 49 CFR 1182.6(c). 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 on our website at [www.stb.gov](http://www.stb.gov).

*It is ordered:*

1. The proposed 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 as having been vacated.

3. This notice will be effective November 6, 2018, unless opposing comments are filed by November 5, 2018.

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 the General Counsel, 1200 New Jersey Avenue SE, Washington, DC 20590.

Decided: September 17, 2018.

By the Board, Board Members Begeman and Miller.

**Tammy Lowery,**

*Clearance Clerk.*

[FR Doc. 2018–20550 Filed 9–20–18; 8:45 am]

**BILLING CODE 4915–01–P**

## **SURFACE TRANSPORTATION BOARD**

**[Docket No. EP 290 (Sub-No. 5) (2018–4)]**

### **Quarterly Rail Cost Adjustment Factor**

**AGENCY:** Surface Transportation Board.

**ACTION:** Approval of rail cost adjustment factor.

**SUMMARY:** The Board has approved the fourth quarter 2018 Rail Cost Adjustment Factor (RCAF) and cost index filed by the Association of American Railroads. The fourth quarter 2018 RCAF (Unadjusted) is 1.079. The fourth quarter 2018 RCAF (Adjusted) is 0.457. The fourth quarter 2018 RCAF–5 is 0.427.

**DATES:** *Applicability Date:* October 1, 2018.

**FOR FURTHER INFORMATION CONTACT:** Pedro Ramirez, (202) 245–0333. Federal Information Relay Service (FIRS) for the hearing impaired: (800) 877–8339.

**SUPPLEMENTARY INFORMATION:** Additional information is contained in the Board’s decision, which is available on our website, [www.stb.gov](http://www.stb.gov). Copies of the decision may be purchased by contacting the Office of Public Assistance, Governmental Affairs, and Compliance at (202) 245–0238. Assistance for the hearing impaired is available through FIRS at (800) 877–8339.

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

By the Board, Board Members Begeman and Miller.

Decided: September 17, 2018.

**Jeffrey Herzig,**

*Clearance Clerk.*

[FR Doc. 2018–20591 Filed 9–20–18; 8:45 am]

**BILLING CODE 4915–01–P**

## **DEPARTMENT OF TRANSPORTATION**

### **Federal Transit Administration**

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

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

**ACTION:** Notice.

**SUMMARY:** This notice announces final environmental actions taken by the Federal Transit Administration (FTA) for projects in New York City, New York, and Redmond, Washington. The purpose of this notice is to announce publicly the environmental decisions by FTA on the subject projects and to activate the limitation on any claims that may challenge these final environmental actions.

**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 FTA actions announced herein for the listed public transportation projects will be barred unless the claim is filed on or before February 19, 2019.

**FOR FURTHER INFORMATION CONTACT:** 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.

**SUPPLEMENTARY INFORMATION:** Notice is hereby given that FTA has taken final agency actions by issuing certain approvals for the public transportation projects listed below. The actions on the projects, as well as the laws under which such actions were taken, are described in the documentation issued in connection with the projects to comply with the National Environmental Policy Act (NEPA) and in other documents in the FTA environmental project file for the projects. Interested parties may contact either the project sponsor or the relevant FTA Regional Office for more information. Contact information for FTA’s Regional Offices may be found at <https://www.fta.dot.gov>.

This notice applies to all FTA decisions on the listed projects 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 4(f) requirements [23 U.S.C. 138, 49 U.S.C. 303], Section 106 of the National Historic Preservation Act [54 U.S.C. 306108], and the Clean Air Act [42 U.S.C. 7401–7671q]. 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 projects and actions that are the subject of this notice are:

1. *Project name and location:* The Metropolitan Transportation Authority (MTA) Long Island Railroad East Side Access Project, New York, NY. *Project sponsor:* Metropolitan Transportation Authority. *Project description:* The East Side Access (ESA) Project will connect the Long Island Rail Road's (LIRR) Main and Port Washington Lines in Queens to a new LIRR terminal beneath Grand Central Terminal in Manhattan. The MTA evaluated various project changes in ten prior technical memoranda. In Technical Memorandum No. 11, the MTA proposed to defer completion of the planned 48th Street entrance to a later, undetermined date; enhance a planned ESA entrance at 47th Street to accommodate modified pedestrian flows as a result of the deferred 48th Street entrance; modify the airflow system to account for deferral of an intake/exhaust point in the planned 48th Street entrance; and construct a temporary emergency egress hatch in the sidewalk of 48th Street between Madison and Vanderbilt Avenues. This notice only applies to the discrete actions taken by FTA at this time, as described below. Nothing in this notice affects FTA's previous decisions, or notice thereof, for this project. *Final agency actions:* FTA determination that the approved environmental document for this project remains valid for the requested administrative action; therefore, neither a supplemental environmental impact statement nor a supplemental environmental assessment is necessary. *Supporting documentation:* Environmental Re-Evaluation Consultation form prepared for Technical Memorandum No. 11—48th Street Entrance Deferral, dated March 30, 2018.

2. *Project name and location:* Sound Transit Downtown Redmond Link Extension Project, Redmond, WA. *Project Sponsor:* Sound Transit. *Project description:* Sound Transit proposed project changes which include design refinements to Segment E of the original East Link Light Rail Transit Project as described in the Final Environmental

Impact Statement (FEIS) dated July, 2011. FTA issued a Record of Decision (ROD) for the East Link Light Rail Transit Project in November, 2011. The project would extend light rail transit service for 3.4 miles from the East Link interim terminus at NE 40th Street, just past the Redmond Technology Center Station, and terminate just east of 164th Avenue NE. This would be approximately 0.3 mile shorter compared to the original East Link Light Rail Transit Project described in the 2011 FEIS and ROD. The project includes two stations: An at-grade SE Redmond Station and an elevated Downtown Redmond Station. The project also includes vertical profile modifications and horizontal alignment shifts as compared to the original East Link Light Rail Transit Project, however the project corridor follows the same general route as originally proposed in the 2011 FEIS and ROD. FTA finds that the changes described are not considered substantial and will not result in significant environmental impacts that were not evaluated in the July 2011 FEIS. This notice only applies to the discrete actions taken by FTA at this time, as described below. Nothing in this notice affects FTA's previous decisions, or notice thereof, for this project. *Final agency actions:* FTA determination that the approved environmental document for this project remains valid for the requested administrative action; therefore, neither a supplemental environmental impact statement nor a supplemental environmental assessment is necessary. *Supporting documentation:* Sound Transit Downtown Redmond Link Extension Project, East Link Light Rail Transit Project—Segment E, NEPA Environmental Re-Evaluation dated August 29, 2018.

**Elizabeth S. Riklin,**

*Deputy Associate Administrator for Planning and Environment.*

[FR Doc. 2018–20578 Filed 9–20–18; 8:45 am]

**BILLING CODE P**

## DEPARTMENT OF TRANSPORTATION

### Pipeline and Hazardous Materials Safety Administration

[Docket No. PHMSA–2016–0097; PD–38(R)]

#### Hazardous Materials: California Meal and Rest Break Requirements

**AGENCY:** Pipeline and Hazardous Materials Safety Administration (PHMSA), DOT.

**ACTION:** Notice of Administrative Determination of Preemption.

*Applicant:* National Tank Truck Carriers, Inc. (NTTC).

*Local Law Affected:* California Labor Code, Sections 226.7, 512, and 516; California Code of Regulations (CCR), title 8, section 11090.

*Applicable Federal Requirements:* Federal Hazardous Material Transportation Law (HMTA), 49 U.S.C. 5101 *et seq.*, and the Hazardous Materials Regulations (HMR), 49 CFR parts 171–180.

*Mode Affected:* Highway.

**SUMMARY:** PHMSA finds that California's meal and rest break requirements create an unnecessary delay in the transportation of hazardous materials, and are therefore preempted with respect to all drivers of motor vehicles that are transporting hazardous materials. The agency also finds that the California meal and rest break requirements are preempted with respect to drivers of motor vehicles that are transporting Division 1.1, 1.2, or 1.3 explosive material and are subject to the attendance requirements of 49 CFR 397.5(a), because it is not possible for a motor carrier employer's drivers to comply with the off-duty requirement of the California rule and the federal attendance requirement. Finally, the California meal and rest break requirements are preempted as to motor carriers who are required to file a security plan under 49 CFR 172.800, and who have filed security plans requiring constant attendance of hazardous materials, because the California requirements are an obstacle to carrying out the requirements of 49 CFR 172.800 with respect to such motor carriers.

**FOR FURTHER INFORMATION CONTACT:** Vincent Lopez, Office of Chief Counsel, Pipeline and Hazardous Materials Safety Administration, U.S. Department of Transportation, 1200 New Jersey Avenue SE, Washington, DC 20590; Telephone No. 202–366–4400; Facsimile No. 202–366–7041.

#### SUPPLEMENTARY INFORMATION:

##### I. Background

NTTC has applied to PHMSA for a determination as to whether the Federal Hazardous Material Transportation Law, 49 U.S.C. 5101 *et seq.*, preempts California's meal and rest break requirements, as applied to the transportation of hazardous materials. Under the California requirements, an employee is entitled to a 30-minute meal period after five hours of work and a second 30-minute meal period after ten hours of work. Generally, the employee must be "off duty" during the meal period. In addition, employees are