

Because the project is combining Minnesota Environmental Policy Act (MEPA) and Federal National Environmental Policy Act (NEPA) processes, the first document to be produced as part of the efforts will include a Scoping Document/Draft Scoping Decision Document. The Scoping Document/Draft Scoping Decision Document (SD/DSDD) is anticipated to be published in early 2021. A press release will be published to inform the public of the document's availability. Copies of the SD/DSDD will be published on a MnDOT website as well as distributed to agencies, interested persons and libraries for review to aid in identifying issues and analyses to be contained in the Tier 1 EIS. A 30-day comment period for review of the document will be provided to afford an opportunity for all interested persons, agencies and groups to comment on the proposed action. A public hearing will be held during the comment period. A public notice will give the date, time, and place of the meeting. The Scoping Decision Document will be published after the public comment period has closed on the SD/DSDD.

A Tier 1 Draft Environmental Impact Statement (DEIS) will be prepared based on the outcome of and closely following the scoping process. The Tier 1 DEIS will be available for agency and public review and comment. A public hearing will be held following completion of the Tier 1 DEIS. A public notice will give the date, time, and location of the public hearing. Coordination has been initiated and will continue with appropriate Federal, State, regional, and local agencies and private organizations and citizens who have previously expressed or are known to have an interest in the proposed action. The Tier 1 DEIS will be prepared in accordance with 23 U.S.C. 139, 23 CFR 771 and 40 CFR parts 1500–1508. Completion of the DEIS is anticipated in 2022, and the combined final EIS and Record of Decision (ROD) in 2023.

Public involvement is a critical component of the National Environmental Policy Act (NEPA). All environmental documents will be made available for review by Federal and State resource agencies and the public. Invitations have been issued to Federal, State and local agencies to engage in the development of the Tier 1 EIS as either Cooperating or Participating Agencies. Cooperating Agencies are anticipated to be the following: US Environmental Protection Agency, US Federal Railroad Administration, and US Federal Transit Administration. Participating Agencies are anticipated to be the following:

Cities of Minneapolis and Saint Paul, Hennepin and Ramsey Counties, Metropolitan Council and Metro Transit, Minnesota Department of Natural Resources, Minnesota Indian Affairs Council, Minnesota Pollution Control Agency, Minnesota Department of Health, Minnesota Department of Commerce, Board of Water and Soil Resources, Office of the State Archaeologist, State Historic Preservation Office, Capitol Region Watershed District, Mississippi Watershed Management Organization, Capitol Area Architectural and Planning Board, and Minneapolis Park and Recreation Board.

Specific efforts to encourage involvement and solicit comments from minority and low-income populations in the project study area is also a critical component of the Tier 1 EIS. A public website will be maintained for the EIS to provide information about the project. To ensure the full range of issues related to the proposed action are addressed and all significant issues identified, comments and suggestions are invited from all interested parties. Comments or questions concerning the proposed action and Tier 1 EIS process should be directed to the FHWA at the address provided above.

Projects receiving Federal funds must comply with Title VI of the Civil Rights Act, and Executive Order 12898 “Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations.” Federal law prohibits discrimination on the basis of race, color, age, sex, or country of national origin in the implementation of this project. It is also Federal policy to identify and address any disproportionately high and adverse effects of federal projects on the health or environment of minority and low-income populations to the greatest extent practicable and permitted by law.

This project is utilizing a National Environmental Policy Act (NEPA)/404 merger process to seek concurrence by multiple Federal agencies on the project's purpose and need, range of alternatives to be considered, range of alternatives to be evaluated in detail, and selection of a preferred alternative. In addition to the Federal Highway Administration as the lead Federal agency for this NEPA effort, the NEPA/404 merger process includes the following Federal agencies: United States Army Corps of Engineers, the United States Environmental Protection Agency.

(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).

Issued on: February 13, 2020.

**Wendall L. Meyer,**

*Division Administrator, Federal Highway Administration.*

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## DEPARTMENT OF TRANSPORTATION

### Federal Highway Administration

#### Notice of Final Federal Agency Actions on Proposed Highway in California

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

**ACTION:** Notice of Limitations on Claims for Judicial Review of Actions by the California Department of Transportation (Caltrans).

**SUMMARY:** The FHWA, on behalf of Caltrans, is issuing this notice to announce actions taken by Caltrans that are final. The actions relate to a proposed highway project, the State Route 9 (SR-9) Saratoga Creek Bridge Project at Post Mile 4.85, west of the City of Saratoga, Santa Clara County, State of California. Those actions grant licenses, permits, and approvals for the project.

**DATES:** By this notice, the FHWA, on behalf of Caltrans, is advising the public of 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 July 20, 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 Caltrans: Brian Gassner, Environmental Branch Chief, Office of Environmental Analysis, California Department of Transportation—District 4, 111 Grand Avenue, Oakland, California. Office hours: Monday through Friday 8:00am–4:30pm, Pacific Standard time, telephone (510) 286-6025 or email [brian.gassner@dot.ca.gov](mailto:brian.gassner@dot.ca.gov). For FHWA, contact David Tedrick at (916) 498-5024 or email [david.tedrick@dot.gov](mailto:david.tedrick@dot.gov).

**SUPPLEMENTARY INFORMATION:** Effective July 1, 2007, the FHWA assigned, and Caltrans assumed, environmental responsibilities for this project pursuant to 23 U.S.C. 327. Notice is hereby given that Caltrans has taken final agency

actions subject to 23 U.S.C. 139(l)(1) by issuing licenses, permits, and approvals for the following highway project in the State of California: Seismic and structural improvements to Saratoga Creek Bridge, located at Post Mile (PM) 4.85 along SR–9, west of the City of Saratoga, in Santa Clara County. The project proposes to construct a new bridge while maintaining much of the original outer structure. The purpose of the project is to maintain safe and stable connectivity on SR–9 between the City of Saratoga in Santa Clara County and the community of Felton in Santa Cruz County. The actions taken by the Federal agencies, and the laws under which such actions were taken, are described in the Final Environmental Assessment (FEA) and Finding of No Significant Impact (FONSI) for the project, approved on January 28, 2020, and in other documents in the Caltrans' project records. The FEA, FONSI and other project records are available by contacting Caltrans at the address provided above. The Caltrans Final EIR/EA and FONSI can be viewed and downloaded from the project website at <https://dot.ca.gov/caltrans-near-me/district-4/d4-projects/d4-santa-clara-sr9-saratoga-creek-bridge>, or viewed at the Saratoga Public Library or Saratoga City Hall. This notice applies to all Federal agency decisions as of the issuance date of this notice and all laws under which such actions were taken, including but not limited to:

1. *General*: National Environmental Policy Act (NEPA) [42 U.S.C. 4321–4351]; Federal-Aid Highway Act [23 U.S.C. 109 and 23 U.S.C. 128].
2. *Air*: Clean Air Act [42 U.S.C. 7401–7671(q)].
3. *Wildlife*: Endangered Species Act [16 U.S.C. 1531–1544 and Section 1536]; Fish and Wildlife Coordination Act [16 U.S.C. 661–667(d)]; Migratory Bird Treaty Act [16 U.S.C. 703–712].
4. *Wetlands and Water Resources*: Clean Water Act (Section 404 and Section 401) [33 U.S.C. 1251–1377]; Safe Drinking Water Act (SDWA) [42 U.S.C. 300(f)–300(j)(6)].
5. *Historic and Cultural Resources*: Section 106 of the National Historic Preservation Act of 1966, as amended [16 U.S.C. 470(f) *et seq.*]; Historic Sites Act of 1935 [16 U.S.C. 461–467].
6. *Section 4(f)*: Department of Transportation Act of 1966 [49 U.S.C. 303]; Federal-Aid Highway Act of 1968 [23 U.S.C. 138].
7. *Social and Economic*: Civil Rights Act of 1964 [42 U.S.C. 2000(d)–2000(d)(1)].
8. *Health*: Resource Conservation and Recovery Act [42 U.S.C. 6901 *et seq.*]; Comprehensive Environmental

Response, Compensation, and Liability Act [42 U.S.C. 9601 *et seq.*]; Atomic Energy Act [42 U.S.C. 2011–2259]; Toxic Substance Control Act [15 U.S.C. 2601–2629]; Community Environmental Response Facilitation Act; Occupational Safety and Health Act [29 U.S.C. 651]; Federal Insecticide, Fungicide, and Rodenticide Act [7 U.S.C. 136].

9. *Executive Orders*: E.O. 12088 Federal Compliance with Pollution Control Standards; E.O. 12898 Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations; E.O. 13112 Invasive Species; E.O. 11988 Floodplain Management

(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. 139(l)(1)

**Tashia J. Clemons,**

*Director, Planning and Environment, Federal Highway Administration, California Division.*

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## DEPARTMENT OF TRANSPORTATION

### Federal Motor Carrier Safety Administration

**[Docket No. FMCSA–2014–0385; FMCSA–2014–0387; FMCSA–2017–0058]**

#### Qualification of Drivers; Exemption Applications; Hearing

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

**ACTION:** Notice of final disposition.

**SUMMARY:** FMCSA announces its decision to renew exemptions for 34 individuals from the hearing requirement in the Federal Motor Carrier Safety Regulations (FMCSRs) for interstate commercial motor vehicle (CMV) drivers. The exemptions enable these hard of hearing and deaf individuals to continue to operate CMVs in interstate commerce.

**DATES:** The exemptions were applicable on December 26, 2019. The exemptions expire on December 26, 2021.

**FOR FURTHER INFORMATION CONTACT:** Ms. Christine A. Hydock, Chief, Medical Programs Division, 202–366–4001, [fmcamedical@dot.gov](mailto:fmcamedical@dot.gov), FMCSA, Department of Transportation, 1200 New Jersey Avenue SE, Room W64–224, Washington, DC 20590–0001. Office hours are from 8:30 a.m. to 5 p.m., ET, Monday through Friday, except Federal

holidays. If you have questions regarding viewing or submitting material to the docket, contact Docket Operations, (202) 366–9826.

#### SUPPLEMENTARY INFORMATION:

##### I. Public Participation

###### A. Viewing Documents and Comments

To view comments, as well as any documents mentioned in this notice as being available in the docket, go to <http://www.regulations.gov/docket?D=FMCSA-2014-0385> or <http://www.regulations.gov/docket?D=FMCSA-2014-0387> or <http://www.regulations.gov/docket?D=FMCSA-2017-0058> and choose the document to review. If you do not have access to the internet, you may view the docket online by visiting the Docket Operations in Room W12–140 on the ground floor of the DOT West Building, 1200 New Jersey Avenue SE, Washington, DC 20590, between 9 a.m. and 5 p.m., ET, Monday through Friday, except Federal holidays.

###### B. 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 any 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), which can be reviewed at [www.transportation.gov/privacy](http://www.transportation.gov/privacy).

##### II. Background

On December 30, 2019, FMCSA published a notice announcing its decision to renew exemptions for 34 individuals from the hearing standard in 49 CFR 391.41(b)(11) to operate a CMV in interstate commerce and requested comments from the public (84 FR 72117). The public comment period ended on January 29, 2020, and one comment was received.

FMCSA has evaluated the eligibility of these applicants and determined that renewing these exemptions would achieve a level of safety equivalent to, or greater than, the level that would be achieved by complying with § 391.41(b)(11).

The physical qualification standard for drivers regarding hearing found in § 391.41(b)(11) states that a person is physically qualified to drive a CMV if that person first perceives a forced whispered voice in the better ear at not less than 5 feet with or without the use of a hearing aid or, if tested by use of an audiometric device, does not have an average hearing loss in the better ear greater than 40 decibels at 500 Hz, 1,000