

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.*

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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: Theresita 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.*

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