

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration # 16788 and # 16789;
California Disaster Number CA-00331]

**Presidential Declaration of a Major
Disaster for Public Assistance Only for
the State of California**

AGENCY: U.S. Small Business
Administration.

ACTION: Notice.

SUMMARY: This is a Notice of the
Presidential declaration of a major
disaster for Public Assistance Only for
the State of California (FEMA-4569-
DR), dated 11/25/2020.

Incident: Wildfires.

Incident Period: 09/04/2020 through
11/17/2020.

DATES: Issued on 11/25/2020.

*Physical Loan Application Deadline
Date:* 01/25/2021.

*Economic Injury (EIDL) Loan
Application Deadline Date:* 08/25/2021.

ADDRESSES: Submit completed loan
applications to: U.S. Small Business
Administration, Processing and
Disbursement Center, 14925 Kingsport
Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT:

A. Escobar, Office of Disaster
Assistance, U.S. Small Business
Administration, 409 3rd Street SW,
Suite 6050, Washington, DC 20416,
(202) 205-6734.

SUPPLEMENTARY INFORMATION: Notice is
hereby given that as a result of the
President's major disaster declaration on
11/25/2020, Private Non-Profit
organizations that provide essential
services of a governmental nature may
file disaster loan applications at the
address listed above or other locally
announced locations.

The following areas have been
determined to be adversely affected by
the disaster:

Primary Counties:

Del Norte, Fresno, Madera,
Mendocino, Napa, Shasta, Siskiyou,
Sonoma.

The Interest Rates are:

<i>For Physical Damage:</i>	
Non-Profit Organizations With Credit Available Elsewhere ...	2.750
Non-Profit Organizations With- out Credit Available Else- where	2.750
<i>For Economic Injury:</i>	
Non-Profit Organizations With- out Credit Available Else- where	2.750

The number assigned to this disaster
for physical damage is 167885 and for
economic injury is 167890.

(Catalog of Federal Domestic Assistance
Number 59008)

Cynthia Pitts,

*Acting Associate Administrator for Disaster
Assistance.*

[FR Doc. 2020-26665 Filed 12-3-20; 8:45 am]

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STATE JUSTICE INSTITUTE

Board of Directors Meeting, Notice

AGENCY: State Justice Institute.

ACTION: Notice of meeting.

SUMMARY: The SJI Board of Directors
will be meeting on Monday, December
7, 2020 at 3:00 p.m. ET. The purpose of
this meeting is to consider grant
applications for the 1st quarter of FY
2021, and other business.

FOR FURTHER INFORMATION CONTACT:

Jonathan Mattiello, Executive Director,
State Justice Institute, 11951 Freedom
Drive, Suite 1020, Reston, VA 20190,
(571) 313-8843, *contact@sjj.gov*.

Authority: Section 204(j) of the SJI
Authorization Act (42 U.S.C. 10703 *et seq.*),
5 U.S.C. Section 552b.

Jonathan D. Mattiello,

Executive Director.

[FR Doc. 2020-26635 Filed 12-3-20; 8:45 am]

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SURFACE TRANSPORTATION BOARD

[Docket No. FD 36328]

**Ken Tenn Regional Rail Partners,
Inc.—Construction & Operation
Exemption—In Fulton County, Ky. and
Obion County, Tenn.**

On September 2, 2020, Ken Tenn
Regional Rail Partners, Inc. (KTRRP), a
noncarrier, filed a petition for
exemption under 49 U.S.C. 10502 from
the prior approval requirements of 49
U.S.C. 10901 for authorization to
construct and operate approximately
12.17 miles of rail line (Line) between
milepost TennKen 51.69 at the
Hickman-Fulton County River Port
(Port) in Fulton County, Ky., and
milepost UCT 450 near Union City, in
Obion County, Tenn.

KTRRP asks that the Board issue a
preliminary decision addressing the
transportation merits of the construction
project while the environmental review
is ongoing. As discussed below, the
Board concludes that such an approach
is appropriate here and preliminarily
concludes, subject to completion of the
ongoing environmental review, that the
proposed construction meets the

statutory standards for exemption under
section 10502. This decision only
addresses the transportation merits,
however, and does not grant the
exemption or allow construction to
begin. After the Board has considered
the potential environmental impacts
associated with this proposal, it will
issue a final decision either granting the
exemption, with conditions if
appropriate, or denying it.

Background

KTRRP states that it is a non-profit
corporation created to construct and
operate the Line by the Fulton County
Industrial Development Authority of
Kentucky, which provides assistance
with economic development in Fulton
County, and the Industrial Development
Board of the City of Union City, which
is an economic development agency and
sub-entity of Union City. (Pet. 3.)¹

The petition states that the Port is a
public entity that provides bulk and
break-bulk cargo transfer operations for
a variety of commodities and
transloading transfer service, storage,
and rail service. (*Id.* at 3-4.) Rail service
at the Port is provided by the TennKen
Railroad Company (TennKen), which
connects with Canadian National
Railway Company (CN) at Dyersburg,
Tenn. (*Id.* at 4.)

As noted above, the proposed Line
would begin at the Port at milepost
TennKen 51.69, near the Mississippi
River, and extend to milepost UCT 450
in Obion County. (*Id.* at 2.) According
to KTRRP, two separate segments of the
Line, totaling 3.47 miles, would be built
over existing rights-of-way that are not
currently in use: One would run from
Union City to the north, on the west
side of Tennessee Highway 21 to the
Tennessee/Kentucky state line and then
along the west side of Kentucky State
Route 239 to Kentucky State Route 166;
the other would parallel the east side of
Kentucky Highway 125 just north of
Kentucky Highway 166 for
approximately 0.75 miles. The
remainder of the Line would be newly
constructed right-of-way running east to
west until connecting to TennKen in
Fulton County, Ky. (*Id.* at 6, Ex. B, Joint
V.S. Billingsley & Curlin 3.) KTRRP
notes that the proposed Line ultimately
would join TennKen with the Union
City Terminal Railroad to create a 46.1-
mile loop connecting with CN at both
Dyersburg and Rives, Tenn. (Pet., Ex. B,
Joint V.S. Billingsley & Curlin 4.)

KTRRP states that the proposed Line
is located in an area that is a "lightly

¹ KTRRP states that it intends to contract with a
Class III rail carrier to operate over the proposed
Line. (Pet. 5.)

settled, economically depressed, agricultural region.” (Pet. 6.) KTRRP asserts that the proposed Line would support economic development by providing the Port and local industrial facilities with easier and more cost-effective access to the interstate rail network. Specifically, a connection through Union City would allow the Port to utilize grain elevators in Union City and to transport outbound dried distillers’ grain from local ethanol production. (*Id.* at 7, Ex. B, Joint V.S. Billingsley & Curlin 4.) KTRRP states that the current transportation option for most shippers to the east of the Port is via truck along Tennessee Highway 5/ Kentucky State Highway 125. (Pet. 7)

KTRRP argues that regulation of the construction and operation of the proposed Line is not needed to carry out the rail transportation policy (RTP) at 49 U.S.C. 10101, and the transaction is of limited scope. (*Id.* at 9–10.) Alternatively, it argues that application of section 10101 is not necessary to protect shippers from an abuse of market power. (*Id.* at 11.) KTRRP argues that an exemption is consistent with sections 10101(2) and 10101(7), as it would minimize the need for federal regulatory control over the rail transportation system and reduce regulatory barriers to entry. (*Id.* at 10.) Additionally, KTRRP asserts that the exemption would satisfy sections 10101(4) and 10101(5), because it would provide an alternative means of transportation and/or enhance competition and the proposed Line meets a public need. (*Id.*)

KTRRP asserts that a preliminary determination on the transportation merits is appropriate here because its proposed construction is a transportation and economic development project that has already received funding and other support from the state governments of Kentucky and Tennessee, as well as local governments in the region. (*Id.* at 12.) It further explains that a preliminary approval on the transportation merits will support fundraising and planning efforts, demonstrate that additional investment of state and local resources is warranted, and remove any uncertainty concerning the transportation benefits of the proposed Line. (*Id.*)

On October 8, 2020, U.S. Representative James Comer filed a letter in support of KTRRP’s petition. No party has filed in opposition to the petition.

Discussion and Conclusions

The construction of new railroad lines that are to be part of the interstate rail

network requires prior Board authorization, either through issuance of a certificate under 49 U.S.C. 10901 or, as requested here, through an exemption under 49 U.S.C. 10502 from the formal application procedures of section 10901. Section 10901(c) directs the Board to grant rail construction proposals unless it finds the proposal “inconsistent with the public convenience and necessity.” See *Alaska R.R.—Constr. & Operation Exemption—A Rail Line Extension to Port MacKenzie, Alaska*, FD 35095, slip op. at 5 (STB served Nov. 21, 2011), *aff’d sub nom. Alaska Survival v. STB*, 705 F.3d 1073 (9th Cir. 2013) (addressing the Board’s construction exemption process).

Under 49 U.S.C. 10502(a), however, “the Board, to the maximum extent consistent with [Part A], shall exempt” a transaction (including a construction proposal) from the prior approval requirements of section 10901 when it finds that: (1) Regulation is not necessary to carry out the RTP of 49 U.S.C. 10101; and (2) either (a) the transaction is of limited scope or (b) application of the statutory provision is not needed to protect shippers from the abuse of market power.

Issuance of Preliminary Decision on the Transportation Merits

As noted above, KTRRP requests that the Board issue a preliminary decision addressing the transportation merits of the project in advance of a decision on the environmental issues. KTRRP asserts that a preliminary decision addressing the transportation issues would support continued fundraising and planning, demonstrate that additional investment of state and local resources is warranted, and remove any uncertainty concerning the transportation benefits of the proposed Line. (Pet. 11–12.)

The Board has considered requests for preliminary decisions addressing the transportation merits of a project over the years.² Here, KTRRP has received support for the project from state and local entities and is seeking further investment assistance; the transportation merits of the project, which would support regional economic development, are apparent, as discussed in this decision; and there is no opposition to either the request for

preliminary decision or the exemption itself. In these circumstances, the Board finds it appropriate to issue a preliminary decision while the Board continues the environmental review of the proposed construction.

Rail Transportation Analysis

Based on the record, the Board preliminarily concludes that the proposed construction, which is unopposed on the transportation merits, qualifies for an exemption under section 10502 from the formal application procedures of section 10901. First, regulation under section 10901 is not necessary to carry out the RTP. The record here shows that the proposed Line would provide enhanced rail service to and from the Port and surrounding area. Currently, the primary transportation option for shippers east of the Port is via trucks. The connection through Union City would provide local industrial facilities access to the interstate rail network and allow traffic to utilize grain elevators and to transport outbound dried distillers’ grain. The proposed Line would enhance competition by providing shippers in the area with an additional and more cost-effective freight option and foster sound economic conditions, consistent with 49 U.S.C. 10101(4) and (5). Exempting the proposed construction from the requirements of section 10901 would also minimize unnecessary expense associated with the preparation and filing of a formal construction application, expedite regulatory decisions, and reduce regulatory barriers to entry for the Line in furtherance of 49 U.S.C. 10101(2), (7) & (15). Other aspects of the RTP would not be adversely affected.

In addition, application of section 10901 is not necessary to protect shippers from an abuse of market power.³ Because shippers would be gaining additional and improved transportation options (with no reduction in service options), the proposed Line would enhance competition.

Environmental Review

As discussed above, the Board has preliminarily concluded that the proposed construction meets the statutory standards for exemption, subject to completion of the ongoing environmental review. KTRRP has consulted with the Board’s Office of

² See *Six Cnty. Ass’n of Gov’ts—Constr. & Operation Exemption—A Rail Line Between Levan & Salina, Utah*, FD 34075 (STB served Sept. 3, 2015); *Alaska R.R.—Constr. & Op. Exemption—Rail Line Between Eielson Air Force Base and Fort Greely, Alaska*, FD 34658 (STB served Oct. 4, 2007); *Burlington N. & Santa Fe Ry.—Constr. & Op. Exemption—Merced Cnty., Cal.*, FD 34305 (STB served Mar. 28, 2003).

³ Because regulation of the proposed construction and operation is not needed to protect shippers from the abuse of market power, the Board need not determine whether the transaction is limited in scope. 49 U.S.C. 10502(a)(2).

Environmental Analysis (OEA) regarding the environmental review process. By letter dated May 29, 2020, KTRRP requested a waiver of the requirements of 49 CFR 1105.6(a), which generally requires the preparation of an Environmental Impact Statement for rail construction and operation proposals. OEA granted the request on June 9, 2020, finding that preparation of an Environmental Assessment (EA) is the appropriate level of environmental documentation for this proceeding. OEA currently is preparing a Draft EA and any associated historic or cultural review that will be made available for public comment. Following the conclusion of the environmental review process, the Board will issue a further decision assessing the potential environmental impacts of the construction proposal and determining whether the exemption will become finally effective (subject to appropriate mitigation conditions, if necessary). *See Mo. Mining, Inc. v. ICC*, 33 F.3d 980 (8th Cir. 1994).

The decision issued today does not prejudice the Board's final decision, nor diminish the agency's environmental review process concerning the proposed Line's construction. *See Ill. Com. Comm'n v. ICC*, 848 F.2d 1246, 1259 (DC Cir. 1988). Construction may not begin until the Board's final decision in this proceeding has been issued and has become effective.

It is ordered:

1. Under 49 U.S.C. 10502(b), a proceeding is instituted.
2. Under 49 U.S.C. 10502, the Board preliminarily exempts the construction of the above-described Line from the prior approval requirements of 49 U.S.C. 10901, subject to further consideration of the potential environmental impacts of the proposal.
3. On completion of the environmental review, the Board will issue a further, final decision addressing any potential environmental impacts and determining whether the exemption should become effective (subject to any appropriate mitigation conditions). Construction may not begin until the Board's final decision has been issued and has become effective.
4. Notice of this decision will be published in the **Federal Register**.
5. Petitions to reconsider must be filed by December 21, 2020.
6. This decision is effective 30 days from the date of service.

Decided: November 30, 2020.

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

Jeffrey Herzig,
Clearance Clerk.

[FR Doc. 2020-26659 Filed 12-3-20; 8:45 am]

BILLING CODE 4915-01-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Random Drug and Alcohol Testing Percentage Rates of Covered Aviation Employees for the Period of January 1, 2021, Through December 31, 2021

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice.

SUMMARY: The FAA has determined that the minimum random drug and alcohol testing percentage rates for the period January 1, 2021, through December 31, 2021, will remain at 25 percent of safety-sensitive employees for random drug testing and 10 percent of safety-sensitive employees for random alcohol testing.

FOR FURTHER INFORMATION CONTACT: Ms. Vicky Dunne, Office of Aerospace Medicine, Drug Abatement Division, Program Policy Branch (AAM-820), Federal Aviation Administration, 800 Independence Avenue SW, Room 806, Washington, DC 20591; Telephone (202) 267-8442.

Discussion: Pursuant to 14 CFR 120.109(b), the FAA Administrator's decision on whether to change the minimum annual random drug testing rate is based on the reported random drug test positive rate for the entire aviation industry. If the reported random drug test positive rate is less than 1.00%, the Administrator may continue the minimum random drug testing rate at 25%. In 2019, the random drug test positive rate was 0.731%. Therefore, the minimum random drug testing rate will remain at 25% for calendar year 2021.

Similarly, 14 CFR 120.217(c), requires the decision on the minimum annual random alcohol testing rate to be based on the random alcohol test violation rate. If the violation rate remains less than 0.50%, the Administrator may continue the minimum random alcohol testing rate at 10%. In 2019, the random alcohol test violation rate was 0.114%. Therefore, the minimum random alcohol testing rate will remain at 10% for calendar year 2021.

SUPPLEMENTARY INFORMATION: If you have questions about how the annual random testing percentage rates are determined please refer to the Code of

Federal Regulations Title 14, section 120.109(b) (for drug testing), and 120.217(c) (for alcohol testing).

Issued in Washington, DC.

Brett A. Wyrick,
Acting Federal Air Surgeon.

[FR Doc. 2020-26749 Filed 12-3-20; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA-2019-0165]

Nationwide Freight Systems, et al.; Petition for Determination of Preemption

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

ACTION: Notice of petition for determination of preemption; request for comments.

SUMMARY: FMCSA requests comments on a petition submitted by Nationwide Freight Systems, Inc., Leader U.S. Messenger, Inc., and Stott Contracting, LLC, requesting a determination that certain carrier identification requirements imposed by the Illinois Commerce Commission are preempted by 49 U.S.C. 14506.

DATES: Comments must be received on or before January 4, 2021.

ADDRESSES: You may submit comments identified by Federal Docket Management System (FDMS) Number FMCSA-2019-0165 by any of the following methods:

- **Federal eRulemaking Portal:** www.regulations.gov. See the *Public Participation and Request for Comments* section below for further information.
- **Mail:** Docket Management Facility, U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building, Ground Floor, Room W12-140, Washington, DC 20590-0001.
- **Hand Delivery or Courier:** West Building, Ground Floor, Room W12-140, 1200 New Jersey Avenue SE, between 9 a.m. and 5 p.m. E.T., Monday through Friday, except Federal holidays.
- **Fax:** 1-202-493-2251.

Each submission must include the Agency name and the docket number for this notice. Note that DOT posts all comments received without change to www.regulations.gov, including any personal information included in a comment. Please see the *Privacy Act* heading below.

FOR FURTHER INFORMATION CONTACT: Frederic L. Wood, Legislative and Regulatory Affairs Division; FMCSA