

Fish Conservation Act [16 U.S.C. 757(a)–757(g)]; Fish and Wildlife Coordination Act [16 U.S.C. 661–667(d)]; Magnuson-Stevenson Fishery Conservation and Management Act of 1976, as amended [16 U.S.C. 1801 *et seq.*].

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.*]; Archaeological Resources Protection Act of 1977 [16 U.S.C. 470(aa)–11]; Archaeological and Historic Preservation Act [16 U.S.C. 469–469(c)]; Native American Grave Protection and Repatriation Act [25 U.S.C. 3001–3013].

6. *Social and Economic:* Civil Rights Act of 1964 [42 U.S.C. 2000(d)–2000(d)(1)]; American Indian Religious Freedom Act [42 U.S.C. 1996]; Farmland Protection Policy Act [7 U.S.C. 4201–4209]; the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended [42 U.S.C. 61].

7. *Wetlands and Water Resources:* Clean Water Act, 33 U.S.C. 1251–1377 (Section 404, Section 401, Section 319); Coastal Zone Management Act [16 U.S.C. 1451–1465]; Land and Water Conservation Fund [16 U.S.C. 4601–4604]; Safe Drinking Water Act [42 U.S.C. 300(f)–300(j)(6)]; Rivers and Harbors Act of 1899 [33 U.S.C. 401–406]; TEA–21 Wetlands Mitigation [23 U.S.C. 103(b)(6)(m), 133(b)(11)]; Flood Disaster Protection Act [42 U.S.C. 4001–4128].

8. *Hazardous Materials:* Comprehensive Environmental Response, Compensation, and Liability Act [42 U.S.C. 9601–9675]; Superfund Amendments and Reauthorization Act of 1986 [PL 99–499]; Resource Conservation and Recovery Act [42 U.S.C. 6901–6992(k)].

9. *Executive Orders:* E.O. 11990 Protection of Wetlands; E.O. 11988 Floodplain Management; E.O. 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low Income Populations; E.O. 11593 Protection and Enhancement of Cultural Resources; E.O. 13007 Indian Sacred Sites; E.O. 13287 Preserve America; E.O. 13175 Consultation and Coordination with Indian Tribal Governments; E.O. 11514 Protection and Enhancement of Environmental Quality; E.O. 13112 Invasive Species.

(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).

Issued on: July 24, 2008.

**Stephen P. Boch,**

*Major Projects Oversight Manager, Seattle, Washington.*

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**BILLING CODE 4910-RY-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2008–0078]

#### Commercial Driver's License (CDL) Standards; Rotel North American Tours, LLC; Exemption Application

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

**ACTION:** Notice of final disposition.

**SUMMARY:** FMCSA announces its decision to grant Rotel North American Tours, LLC (Rotel), an exemption to enable 22 drivers with German commercial driver's licenses (CDLs) to operate 11 commercial motor vehicles (CMVs) in the U.S. without a CDL issued by one of the States. Rotel conducts tours of the U.S. on a seasonal basis for Europeans. It uses motor coaches that are equipped with onboard sleeping and eating facilities. The drivers, in addition to operating the CMVs, provide oral commentary in German. Rotel previously was able to conduct these operations without exemption because its drivers were able to obtain (and renew) non-resident CDLs from certain States. However, there are currently no States willing to issue non-resident CDLs. Rotel states that it must obtain this exemption or end its specialty tour operations.

**DATES:** This exemption is effective from July 30, 2008 through July 30, 2010.

**FOR FURTHER INFORMATION CONTACT:** Mr. Robert F. Schultz, Jr., FMCSA Driver and Carrier Operations Division, Office of Bus and Truck Standards and Operations. Telephone: 202–366–2718. E-mail: [MCPSD@dot.gov](mailto:MCPSD@dot.gov).

#### SUPPLEMENTARY INFORMATION:

##### Background

Under 49 U.S.C. 31315 and 31136(e), FMCSA may grant an exemption from the CDL requirements in 49 CFR 383.23 for a two-year period if it finds “such exemption would likely achieve a level of safety that is equivalent to, or greater than, the level of safety that would be achieved absent such exemption” (49 CFR 381.305(a)).

#### Request for Exemption

Rotel, headquartered in Terre Haute, Indiana, conducts bus tours of the United States, Canada, and Mexico for Europeans from the end of March through the middle of October each year. It currently has 22 bus drivers and 11 customized buses dedicated to these operations. Rotel states that it offers a unique touring experience in that each of its buses is equipped with a galley that allows Rotel to offer dining with European cuisine. In addition, each bus is equipped with sleeping accommodations for the passengers.

Rotel drivers operate the buses and deliver oral commentary in German during the tour. The Rotel buses are CMVs as that term is defined in 49 CFR 383.5. Therefore, the operators of the buses must possess a valid U.S. CDL (49 CFR 383.23). Until recently, German drivers could obtain a non-resident CDL in most States. However, Rotel reports that because of heightened security concerns across the U.S., no State currently issues non-resident CDLs. Rotel requests that FMCSA exempt its 22 bus drivers from the requirement that they possess a CDL issued by a State, so that the drivers may operate these 11 buses without a U.S. CDL on a seasonal basis for a period of 2 years.

Rotel's drivers are residents and citizens of Germany. They hold German CDLs, but the German CDL is not recognized in the U.S. Rotel prefers to use native German drivers to conduct the tours. Rotel experimented with using other drivers, but found that the quality of its service was affected adversely.

A complete list of the names and addresses of the drivers is included in the docket of this matter. Rotel believes these drivers possess sufficient knowledge, skills, and experience to ensure a level of safety that is equivalent to, or greater than, the level of safety that would be obtained by complying with the requirement for a U.S. CDL. A copy of Rotel's application for exemption is available for review in the docket for this notice.

#### Comments

On March 20, 2008, FMCSA published notice of this application, and asked for public comment (73 FR 15044). Two comments were received to the public docket. Ms. Deb Carlson of the Department of Public Safety for the State of Minnesota supported the application by pointing out that Germany has “an extensive driver education requirement” and that “there should not be any concerns” in terms of safety if these drivers were allowed to

operate in the U.S. The American Bus Association (ABA) opposed the application, citing safety information about Rotel that it located on public FMCSA Web sites. ABA expressed concern about Rotel's safety performance with regard to drivers, CMVs, and overall safety management. The Agency has examined the safety record of Rotel closely in each of these areas, and concludes that, while Rotel's safety record may reflect certain regulatory compliance issues, the information does not relate to driver licensing and their employees' qualifications to operate large passenger-carrying vehicles. The record reflects that Rotel is responsive in correcting safety deficiencies brought to its attention and that, as a result of an onsite compliance review conducted by FMCSA in 2007, Rotel currently has a "satisfactory" safety rating, as defined in 49 CFR part 385.

#### FMCSA Decision

The FMCSA has evaluated Rotel's application and the public comments on their merits. The Agency believes that Rotel's overall safety performance as reflected in its "satisfactory" rating, as well as the knowledge and skills possessed by these drivers as a result of the training program to which all German CDL applicants are exposed, ensure that each of these 22 drivers will likely achieve a level of safety that is equivalent to, or greater than, the level of safety achieved without the exemption (49 CFR 381.305(a)). The Agency hereby grants the exemption for a two-year period, beginning July 30, 2008 and ending July 30, 2010 for the following Rotel drivers: Josef Dangl, Reinfried Dangl, Herbert Erber, Helmut Erbersdobler, Wilhelm Fuchs, Ludwig Gerslberger, Christian Hafner, Peter Hess, Michael Huber, Gerhard Kinateder, Hermann Lichtenauer, Franz Manzinger, Fabian Maurer, Jens Radloff, Rudolf Ramschl, Paul Schlögl, Walter Schreiner, Josef Stockinger, Josef Vogl, Klaus Weber, Markus Wölfl, and Norbert Zechmeister.

Interested parties possessing information that would demonstrate that any or all of these drivers are not achieving the requisite statutory level of safety should immediately notify FMCSA. The Agency will evaluate any such information and, if safety is being compromised or if the continuation of the exemption is not consistent with 49 U.S.C. 31315(b)(4) and 31136(e), will take immediate steps to revoke the exemption of the driver(s) in question, as well as Rotel's exemption, if warranted.

Issued on: July 23, 2008.

Larry W. Minor,

Associate Administrator for Policy and Program Development.

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## DEPARTMENT OF TRANSPORTATION

### Federal Transit Administration

#### Notice of Limitation on Claims Against Proposed Public Transportation Projects

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

**ACTION:** Notice of Limitation on Claims.

**SUMMARY:** This notice announces final environmental actions taken by the Federal Transit Administration (FTA) for public transportation projects in the following areas: Houston, Texas, Portland, Oregon, and Orlando, Florida. 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 Title 23, United States Code (U.S.C.), section 139(l). A claim seeking judicial review of the FTA actions announced herein for the listed public transportation projects will be barred unless the claim is filed on or before January 26, 2009.

**FOR FURTHER INFORMATION CONTACT:** Elizabeth Zelasko, Environmental Protection Specialist, Office of Planning and Environment, 202-366-0244, or Christopher Van Wyk, Attorney-Advisor, Office of Chief Counsel, 202-366-1733. FTA is located at 1200 New Jersey Avenue, SE., Washington, DC 20590. Office hours are from 9 a.m. to 5:30 p.m., e.t., 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 these projects, as well as the laws under which such actions were taken, are described in the documentation issued in connection with the project to comply with the National Environmental Policy Act (NEPA), and in other documents in the FTA administrative record for the project. The final agency environmental decision documents—Records of Decision (ROD) or Findings of No Significant Impact (FONSI)—for the

listed projects are available online at [http://www.fta.dot.gov/planning/environment/planning\\_environment\\_documents.html](http://www.fta.dot.gov/planning/environment/planning_environment_documents.html) or may be obtained by contacting the FTA Regional Office for the metropolitan area where the project is located. Contact information for the FTA Regional Offices may be found at <http://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, the National Environmental Policy Act (NEPA) [42 U.S.C. 4321-4375], Section 4(f) of the Department of Transportation Act of 1966 [49 U.S.C. 303], Section 106 of the National Historic Preservation Act [16 U.S.C. 470f], and the Clean Air Act [42 U.S.C. 7401-7671q]. This notice does not, however, alter or extend the limitation period of 180 days for challenges of project decisions subject to previous notices published in the **Federal Register** (e.g., this notice does not extend the limitation on claims announced in the **Federal Register** on November 2, 2007 for the original FONSI issued for the Central Florida Commuter Rail Transit Project).

The projects and actions that are the subject of this notice are:

1. *Project name and location:* North Corridor Fixed Guideway Transit Project, Houston, Texas. *Project sponsor:* Metropolitan Transit Authority of Harris County Texas (METRO). *Project description:* The FTA and METRO have completed a Supplemental Final Environmental Impact Statement (SFEIS) for the North Corridor Fixed Guideway Transit Project (North Corridor Project). The North Corridor Project will extend the existing METRO Rail Red line from the University of Houston-Downtown Station approximately 5.3 miles north to Northline Mall. The project includes construction of eight passenger stations and five electrical substations; improvements to the existing light rail transit storage and maintenance facility; and the purchase of 12 additional light rail transit vehicles. *Final Agency Actions:* ROD signed on July 1, 2008. Section 106 Memorandum of Agreement signed on June 4, 2008; Project-level Air Conformity determination; and Section 4(f) finding. *Supporting documentation:* North Corridor Fixed Guideway Supplemental Final Environmental Impact Statement (SFEIS) signed on April 18, 2008.

2. *Project name and location:* Southeast Corridor Fixed Guideway Transit Project, Houston, Texas. *Project sponsor:* METRO. *Project description:*