

**DEPARTMENT OF TRANSPORTATION****Federal Highway Administration****Notice of Final Federal Agency Actions on Proposed Highway in California**

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

**ACTION:** Notice of limitation on claims for judicial review of actions by the California Department of Transportation (Caltrans), pursuant to 23 U.S.C. 327.

**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 U.S. Highway 101 Managed Lanes Project from post miles 50.6 in Santa Clara County to 21.8 in San Mateo 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(J)(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 May 10, 2019. 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 applies.

**FOR FURTHER INFORMATION CONTACT:** For Caltrans: Yolanda Rivas, Environmental Branch Chief, 111 Grand Avenue MS 8B, Oakland, CA 94612, 510-286-6216 (Voice), email [yolanda.rivas@dot.ca.gov](mailto:yolanda.rivas@dot.ca.gov). For FHWA, contact Larry Vinzant at (916) 498-5040 or email [larry.vinzant@dot.gov](mailto:larry.vinzant@dot.gov).

**SUPPLEMENTARY INFORMATION:** Effective July 1, 2007, the Federal Highway Administration (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(J)(1) by issuing licenses, permits, and approvals. The U.S. Highway 101 Managed Lanes Project proposes to provide continuous managed lanes in the northbound and southbound directions of US 101 in Santa Clara and San Mateo counties from the terminus of the existing high-occupancy vehicle (HOV) lanes in northern Santa Clara County to north of Interstate 380. The actions by the Federal agencies, and the laws under which such actions were taken, are described in the Environmental Assessment (EA) and Finding of No Significant Impact (FONSI) for the project, approved on November 30,

2018. The EA, FONSI, and other project records are available by contacting Caltrans at the address provided above. The Caltrans EA and FONSI can be viewed and downloaded from the project website at <http://www.dot.ca.gov/d4/101managedlanes/>.

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. National Environmental Policy Act (NEPA)
2. Fixing America's Surface Transportation Act (Fast Act)
3. Clean Air Act
4. Federal-Aid Highway Act
5. Clean Water Act
6. Historic Sites Act
7. Section 106 of the National Historic Preservation Act
8. Archeological Resources Protection Act
9. Archeological and Historic Preservation Act
10. Antiquities Act
11. Endangered Species Act
12. Migratory Bird Treaty Act
13. Fish and Wildlife Coordination Act
14. Magnuson-Stevens Fishery Conservation and Management Act
15. Section 4(f) of the Department of Transportation Act
16. Civil Rights Act, Title VI
17. Farmland Protection Policy Act
18. Uniform Relocation Assistance and Real Property Acquisition Policies Act
19. Rehabilitation Act
20. Americans With Disabilities Act
21. Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA)
22. Resource Conservation and Recovery Act (RCRA)
23. Safe Drinking Water Act
24. Occupational Safety and Health Act
25. Atomic Energy Act
26. Toxic Substances Control Act
27. Federal Insecticide, Fungicide and Rodenticide Act
28. E.O. 11990 Protection of Wetlands; E.O. 11988 Floodplain Management
29. E.O. 12898, Federal Actions To Address Environmental Justice in Minority Populations and Low Income Populations
30. E.O. 12088, Federal Compliance With Pollution Control Standards

(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(J)(1).

**Tashia J. Clemons,**

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

[FR Doc. 2018-26758 Filed 12-10-18; 8:45 am]

**BILLING CODE 4910-RY-P**

**DEPARTMENT OF TRANSPORTATION****Maritime Administration**

[Docket No. DOT-MARAD-2018-0179]

**Request for Comments on the Renewal of a Previously Approved Information Collection: Application for Conveyance of Port Facility Property**

**AGENCY:** Maritime Administration, DOT.

**ACTION:** Notice and request for comments.

**SUMMARY:** The Maritime Administration (MARAD) invites public comments on our intention to request the Office of Management and Budget (OMB) approval to renew an information collection. The information collection is necessary for MARAD to determine whether the applicant is committed to the redevelopment plan; the plan is in the best interests of the public, and the property will be used in accordance with the terms of the conveyance and applicable statutes and regulations. We are required to publish this notice in the **Federal Register** by the Paperwork Reduction Act of 1995.

**DATES:** Comments must be submitted on or before February 11, 2019.

**ADDRESSES:** You may submit comments [identified by Docket No. DOT-MARAD-2018-0179 through one of the following methods:

- *Federal eRulemaking Portal:* <http://www.regulations.gov>. Search using the above DOT docket number and follow the online instructions for submitting comments.
- *Fax:* 1-202-493-2251.
- *Mail or Hand Delivery:* Docket Management Facility, U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building, Room W12-140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays.

*Comments are invited on:* (a) Whether the proposed collection of information is necessary for the Department's performance; (b) the accuracy of the estimated burden; (c) ways for the Department to enhance the quality, utility and clarity of the information collection; and (d) ways that the burden could be minimized without reducing the quality of the collected information. The agency will summarize and/or include your comments in the request for OMB's clearance of this information collection.

**FOR FURTHER INFORMATION CONTACT:** Linden Houston, Office of Deepwater Ports and Offshore Activities, Maritime Administration, 1200 New Jersey Avenue SE, Washington, DC 20590;

Telephone: (202) 366-4839 or email: <mailto:Linden.Houston@dot.gov>. Copies of this collection can also be obtained from that office.

**SUPPLEMENTARY INFORMATION:**

*Title:* Application for Conveyance of Port Facility Property.

*OMB Control Number:* 2133-0524.

*Type of Request:* Renewal of a Previously Approved Information Collection.

*Abstract:* Public Law 103-160, which is included in 40 U.S.C. 554 authorizes the Department of Transportation to convey to public entities surplus Federal property needed for the development or operation of a port facility. The information collection will allow MARAD to approve the conveyance of property and administer the port facility conveyance program.

*Respondents:* Eligible state and local public entities.

*Affected Public:* Eligible state and local public entities.

*Estimated Number of Respondents:* 13.

*Estimated Number of Responses:* 13.

*Estimated Hours per Response:* 44.

*Annual Estimated Total Annual*

*Burden Hours:* 572.

*Frequency of Response:* Annually.

(Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. chapter 35, as amended; and 49 CFR 1.93.) \* \* \*

Dated: December 4, 2018.

By Order of the Maritime Administrator.

**T. Mitchell Hudson, Jr.,**

*Secretary, Maritime Administration.*

[FR Doc. 2018-26723 Filed 12-10-18; 8:45 am]

**BILLING CODE 4910-81-P**

**DEPARTMENT OF TRANSPORTATION**

**Pipeline and Hazardous Materials Safety Administration**

[Docket ID PHMSA-2018-0103]

**Pipeline Safety: Random Drug Testing Rate; Management Information System Reporting; and Obtaining Drug and Alcohol Management Information System Sign-In Information**

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

**ACTION:** Notice of Calendar Year 2019 Minimum Annual Percentage Rate for Random Drug Testing, Reminder for Operators to Report Contractor MIS Data, and Reminder of Method for Operators to Obtain User Name and Password for Electronic Reporting.

**SUMMARY:** PHMSA has determined that the minimum random drug testing rate

for covered employees will remain at 50 percent during calendar year 2019. Operators are reminded that drug and alcohol testing information must be submitted for contractors who are performing or are ready to perform covered functions. For calendar year 2018 reporting, the “user name” and “password” for the Drug and Alcohol Management Information System (DAMIS) will be available in the PHMSA Portal.

**DATES:** Effective January 1, 2019, through December 31, 2019.

**FOR FURTHER INFORMATION CONTACT:**

Wayne Lemoi, Drug & Alcohol Program Manager, telephone at 909-937-7232 or by email at [wayne.lemoi@dot.gov](mailto:wayne.lemoi@dot.gov).

**SUPPLEMENTARY INFORMATION:**

**Notice of Calendar Year 2019 Minimum Annual Percentage Rate for Random Drug Testing**

Operators of natural gas, hazardous liquid, and carbon dioxide pipelines and operators of liquefied natural gas and underground natural gas storage facilities must randomly select and test a percentage of all covered employees for prohibited drug use in accordance with 49 CFR part 199. Pursuant to § 199.105(c)(1), the PHMSA minimum annual random drug testing rate for all covered employees is 50 percent. The Administrator can adjust this random drug testing rate based on the reported positive rate in the pipeline industry’s random drug tests, which is submitted in operators’ annual Management Information System (MIS) reports as required by § 199.119(a). In accordance with § 199.105(c)(3), if the reported positive drug test rate is below 1 percent for 2 consecutive years, the Administrator can reduce the random drug testing rate to 25 percent of all covered employees. In calendar year 2017, the random drug test positive rate for the entire pipeline industry was reported at greater than 1 percent; therefore, the minimum annual random drug testing rate for calendar year 2019 is maintained at 50 percent of all covered employees.

**Reminder for Operators To Report Contractor MIS Data**

On January 19, 2010, (75 FR 2926) PHMSA published an advisory bulletin notifying operators of the appropriate methodology for the annual collection of contractor MIS drug and alcohol testing data to avoid duplicative reporting when a contractor works for multiple operators. If an operator is required to submit a MIS report in accordance with part 199, that report is not complete until PHMSA receives MIS

data for each tested contractor that performed covered functions as defined in § 199.3. As explained in the 2010 Advisory Bulletin, operators must submit operator and contractor employee testing data in separate MIS reports to avoid duplicative reporting and inaccurate data that could affect the positive rate for the entire industry.

**Reminder of Method for Operators To Obtain User Name and Password for Electronic Reporting**

By early January 2019, the user name and password required for an operator to access DAMIS and enter calendar year 2018 data will be available to all operator staff with access to the PHMSA Portal. Pipeline operators have been submitting reports required by 49 CFR parts 191 and 195 through the PHMSA Portal (<https://portal.phmsa.dot.gov/pipeline>) since 2011. PHMSA determined that distributing information via the Portal would be more effective than the previous mailing process.

When the DAMIS user name and password are available in the PHMSA Portal, all registered users will receive an email to that effect. If operator staff responsible for submitting MIS reports do not receive the DAMIS information, they should coordinate with other registered PHMSA Portal users within their company to obtain the DAMIS user name and password. Registered PHMSA Portal users for an operator typically include operator staff or consultants who submit annual and incident reports through PHMSA F 7000- and 7100-series forms. Operators that have not previously registered staff in the PHMSA Portal for the reporting purposes of parts 191 and 195 can register users by following the instructions at: <https://portal.phmsa.dot.gov/PHMSAPortal2/staticContentRedesign/howto/PortalAccountCreation.pdf>.

Pursuant to §§ 199.119(a) and 199.229(a), operators with 50 or more covered employees, including both operator and contractor staff, are required to submit annual MIS reports. Operators with fewer than 50 total covered employees are required to submit MIS reports only upon written request from PHMSA. If an operator with fewer than 50 total covered employees has submitted an MIS report in or after calendar year 2016, the PHMSA Portal message may state that no MIS report is required for calendar year 2018. If an operator with fewer than 50 covered employees has grown to more than 50 covered employees during calendar year 2018, the PHMSA Portal message will include instructions for