

(I-405) and Interstate 5 (I-5) in the County of Orange, 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 February 12, 2018. 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: Charles Baker, Branch Chief—Specialist Unit, Division of Environmental Analysis, California Department of Transportation—District 12, 1750 East 4th Street, Santa Ana, California, 8 a.m. to 5 p.m., (657) 328-6139, [charles\\_baker@dot.ca.gov](mailto:charles_baker@dot.ca.gov).

**SUPPLEMENTARY INFORMATION:** Effective July 1, 2007, the Federal Highway Administration (FHWA) assigned, and the California Department of Transportation (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. Caltrans proposes to add one general-purpose lane in the northbound and southbound directions, construct a second high-occupancy lane (HOV) in each direction between the I-405 and I-5 HOV direct connectors, and restore existing auxiliary lanes. Additionally, northbound auxiliary lanes will be constructed between the MacArthur Boulevard and Dyer Road, and the Dyer Road and Edinger Avenue interchanges. The restored auxiliary lane between the Edinger Avenue and McFadden Avenue interchanges would be extended to the northbound I-5 connector and the northbound McFadden Avenue onramp would be restricted to the northbound I-5 connector only. As a result, access from the McFadden Avenue on-ramp to northbound SR-55 and southbound I-5 would be eliminated. In the southbound direction, the existing auxiliary lane between the McFadden Avenue and Edinger Avenue interchanges would be restored to match the existing condition. The actions by the Federal agencies, and the laws under which such actions were taken, are described in the Final Initial Study (IS) with Negative Declaration (ND)/Environmental Assessment (EA) with Finding of No Significant Impact (FONSI), approved on August 31, 2017.

The Final IS/EA with ND/FONSI, and other project records are available by contacting Caltrans at the addresses provided above. The Caltrans Final IS/EA with ND/FONSI can be viewed and downloaded from the project Web site at: <http://www.dot.ca.gov/d12/DEA/55/0J340/index.html>. 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) Council on Environmental Quality regulations;
- (2) National Environmental Policy Act (NEPA);
- (3) Moving Ahead for Progress in the 21st Century Act (MAP-21);
- (4) Department of Transportation Act of 1966;
- (5) Federal Aid Highway Act of 1970;
- (6) Clean Air Act Amendments of 1990;
- (7) Noise Control Act of 1970;
- (8) 23 CFR part 772 FHWA Noise Standards, Policies and Procedures;
- (9) Department of Transportation Act of 1966, Section 4(f);
- (10) Clean Water Act of 1977 and 1987;
- (11) Endangered Species Act of 1973;
- (12) Migratory Bird Treaty Act;
- (13) National Historic Preservation Act of 1966, as amended;
- (14) Historic Sites Act of 1935; and,
- (15) Executive Order 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)

**Tashia J. Clemons,**

*Director of Program Development, Federal Highway Administration, Sacramento, CA.*

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**BILLING CODE 4910-RY-P**

## 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, U.S. Environmental Protection Agency (USEPA), and U.S. Fish and Wildlife Service (FWS).

**SUMMARY:** The FHWA, on behalf of Caltrans, is issuing this notice to announce actions taken by Caltrans, U.S. Environmental Protection Agency (USEPA), and U.S. Fish and Wildlife Service (FWS) that are final. The actions relate to a proposed highway project on the Interstate 5 (I-5) and State Route 56 (SR 56) from postmile (PM) I-5: R32.7 to R34.8 and SR 56: 0.00 to 2.5 in the County of San Diego, 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 February 12, 2018. 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: Mr. Bruce April, Deputy District Director, Division of Environmental Analysis, California Department of Transportation, 4050 Taylor Street, MS 242, San Diego, CA 92110, Regular Office Hours: 8:00 a.m. to 5:00 p.m., Telephone number (619) 688-0100, email [Bruce.April@dot.ca.gov](mailto:Bruce.April@dot.ca.gov). For FHWA: Ms. Lismary Gavillán, Senior Transportation Engineer, 888 S. Figueroa, Ste 750, Los Angeles, CA 90017 Regular Office Hours: 6:00 a.m. to 4:00 p.m., Telephone number (213) 894-6697, email [Lismary.Gavillan@dot.gov](mailto:Lismary.Gavillan@dot.gov). For the U.S. Fish and Wildlife Service, Ms. Sally Brown, Caltrans Liaison, 2177 Salk Avenue, Ste 250, Suite 101, Carlsbad, CA 92011, Regular Office Hours 8:00 a.m. to 5:00 p.m., Telephone number (760) 431-9440, email [Sally\\_Brown@fws.gov](mailto:Sally_Brown@fws.gov), the Biological Opinion was received on December 12, 2012.

**SUPPLEMENTARY INFORMATION:** FHWA's responsibility for environmental review, consultation, and any other action required in accordance with applicable federal laws for this project is being, or was, carried out by Caltrans under its assumption of responsibility pursuant to Fixing America's Surface Transportation (FAST) Act amended 23 U.S.C. 327. Under NEPA Assignment, FHWA assigned and Caltrans assumed all of the USDOT Secretary's responsibilities under NEPA. FHWA and Caltrans executed NEPA Assignment MOU dated December 23, 2016 that identifies FHWA's and Caltrans' roles and responsibilities, describes NEPA Assignment requirements, and officially extends Caltrans' use of the 23 U.S.C.

327. Notice is hereby given that the Caltrans, U.S. Environmental Protection Agency (USEPA), and U.S. Fish and Wildlife Service (FWS) has taken final agency actions subject to 23 U.S.C. 139(J)(1) by issuing licenses, permits, and approvals for the following highway project in the State of California: The project is located in San Diego County at the I-5/SR 56 Interchange near Carmel Valley Road in San Diego from postmile (PM) I-5: R32.7 to R34.8 and SR 56: 0.00 to 2.5. The proposed project includes improvements to maintain or improve the existing and future traffic operations on the I-5 and SR 56 corridors. The preferred alternative consists adding the two missing connectors (I-5 Southbound to SR 56 Eastbound and SR 56 Westbound to I-5 Northbound). The Del Mar Heights Overcrossing will be replaced with pedestrian enhancements and improved lighting. The Carmel Valley Road will be widened from three to four lanes by the I-5 off-ramp and will be widened from six lanes to eight lanes from I-5 and El Camino Real. Relocation of the AT&T-owned transcontinental fiber-optic line that currently parallels I-5 between Carmel Valley Road and Del Mar Heights Road to within High Bluff Drive and El Camino Real. In addition to the project includes: Auxiliary lanes; sound walls; retaining walls, barriers, guard rails/end treatments, crash cushions, bridge rails, drainage improvements, detention basins, replacement of existing fences, potential installation of fencing for right-of-way, visual and community enhancements; ramp improvements; and appurtenant structures including signage. The actions by the Federal agencies, and the laws under which such actions were taken, are described in the Final Environmental Statement (FEIS) for the project, approved on June 26, 2017, in the Record of Decision (ROD) issued on August 13, 2017, and in other documents in the FHWA project records. The FEIS, ROD, and other project records are available by contacting Caltrans at the addresses provided above.

The Caltrans Final FEIS and ROD can be viewed and downloaded from the project Web site at <http://www.dot.ca.gov/d11/environmental/>. 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. Council on Environmental Quality regulations;
2. National Environmental Policy Act (NEPA);

3. Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU);
4. Department of Transportation Act of 1966;
5. Federal Aid Highway Act of 1970;
6. Clean Air Act (CAA) Amendments of 1990;
7. Clean Water Act (CWA) of 1977 and 1987;
8. Federal Water Pollution Control Act of 1972;
9. Endangered Species Act of 1973;
10. Migratory Bird Treaty Act;
11. Farmland Protection Policy Act of 1981;
12. Title VI of the Civil Rights Act of 1964;
13. Uniform Relocation Assistance and Real Property Acquisition Act of 1970;
14. National Historic Preservation Act (NHPA) of 1966;
15. Historic Sites Act of 1935;
16. Resource Conservation and Recovery Act of 1976;
17. Community Environmental Response Facilitation Act (CERFA) of 1992;
18. Executive Order 11990, Protection of Wetlands;
19. Executive Order 13112, Invasive Species;
20. Executive Order 11988, Floodplain Management; and,
21. Executive Order 12898, Environmental Justice.

(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 of Project Development, Federal Highway Administration, Sacramento, California.*

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**DEPARTMENT OF TRANSPORTATION**

**Federal Motor Carrier Safety Administration**

[Docket No. FMCSA-2017-0243]

**Hours of Service of Drivers: Application for Exemption; Power and Communication Contractors Association (PCCA)**

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

**ACTION:** Notice of application for exemption; request for comments.

**SUMMARY:** FMCSA announces that the Power and Communication Contractors Association (PCCA) has requested an exemption from the requirement that a motor carrier install and require each of its drivers to use an electronic logging device (ELD) to record the driver's hours-of-service (HOS) no later than December 18, 2017. PCCA requests the exemption for all operators of a commercial motor vehicle (CMV) in the power and communications construction industry. Construction contractors spend considerable time working off-road on varying jobsites, and a single CMV may have several different drivers over the course of a day, moving the vehicle short distances around the jobsite. Because of the limited time within a workday that their drivers spend driving on public roads, PCCA states that ELD and record of duty status (RODS) requirements for drivers in their industries do not result in a significant safety benefit. PCCA's drivers would remain subject to the standard HOS limits and maintain a paper RODS for HOS compliance. PCCA believes that the exemption, if granted, will achieve a level of safety that is equivalent to, or greater than, the level that would be achieved absent the exemption. FMCSA requests public comment on PCCA's application for exemption.

**DATES:** Comments must be received on or before October 16, 2017.

**ADDRESSES:** You may submit comments identified by Federal Docket Management System (FDMS) Number FMCSA-2017-0243 by any of the following methods:

- *Federal eRulemaking Portal:* [www.regulations.gov](http://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., 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](http://www.regulations.gov), including any personal information included in a comment. Please see the *Privacy Act* heading below.

*Docket:* For access to the docket to read background documents or comments, go to [www.regulations.gov](http://www.regulations.gov) at