

must be delivered or mailed to: Richard Owen, Program Manager, Orlando Airports District Office, 5950 Hazeltine National Drive, Suite 400, Orlando, FL 32822-5024.

FOR FURTHER INFORMATION CONTACT:

Richard Owen, Program Manager, Orlando Airports District Office, 5950 Hazeltine National Drive, Suite 400, Orlando, FL 32822-5024.

Bart Vernace,

Manager, Orlando Airports District Office, Southern Region.

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DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Notice of Final Federal Agency Actions on OR 62: I-5 to Dutton Road (Medford) Project: Jackson County, OR

AGENCY: Federal Highway Administration (FHWA), Department of Transportation (DOT).

ACTION: Notice of limitations on claims for judicial review of actions by FHWA and other Federal agencies.

SUMMARY: This notice announces final environmental actions taken by the FHWA, National Marine Fisheries Service (NMFS), United States Fish and Wildlife Service (USF&WS), and other Federal agencies that are final within the meaning of 23 U.S.C. 139(l)(1). The actions relate to a proposed highway project, OR 62: I-5 to Dutton Road (Medford) in Jackson County, Oregon. This action grants approval for the project.

DATES: By this notice, the FHWA 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 September 30, 2013. 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 FHWA: Michelle Eraut, Program Development Team Leader, Federal Highway Administration, 530 Center Street NE., Suite 420, Salem, Oregon 97301, Telephone: (503) 316-2559. For NMFS: Marc Liverman, National Marine Fisheries Service, 1201 Lloyd Boulevard, Suite 1100, Portland, Oregon 97232, Telephone: (503) 231-2336. For USF&WS: Joe Zisa, United States Fish and Wildlife Service, 2600 SE 98th

Avenue Suite 100, Portland, OR 97266, Telephone: (503) 231-6179. The OR62: I-5 to Dutton Road Environmental Impact Statement (EIS) is available upon written request from the Federal Highway Administration at the address shown above. Comments or questions concerning this proposed action and the OR 62: I-5 to Dutton Road (Medford) should be directed to the FHWA at the address provided above.

SUPPLEMENTARY INFORMATION: Notice is hereby given that the FHWA, has taken final agency action subject to 23 U.S.C. 139 (l)(1) by issuing approval for the following highway project in the State of Oregon: OR62: I-5 to Dutton Road (Medford). The project will build a 7.5 mile, four-lane, access controlled expressway to serve as a bypass of existing OR 62 from Interstate 5/OR 62 Interchange in Medford to approximately Dutton Road north of White City in Jackson County, Oregon. The project includes the bypass, four interchanges, and changes to local streets and roads to accommodate the bypass. The actions by the Federal agencies and the laws under which such actions were taken are described in the Final Environmental Impact Statement (FEIS) and Record of Decision (ROD) for the project, approved on April 22, 2013. The FEIS, ROD and Biological Opinions issued by NMFS and USF&WS are available by contacting the FHWA at the address provided above. The FEIS, ROD and Biological Opinions issued by NMFS and USF&WS can also be viewed and downloaded from the project Web site at: http://www.oregon.gov/ODOT/HWY/REGION3/pages/hwy62_index.aspx. 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. *General:* National Environmental Policy Act (NEPA) [42 U.S.C. 4321-4347]; Federal-Aid Highway Act [23 U.S.C. 109 and 23 U.S.C. 128].
2. *Air:* Clean Air Act [42 U.S.C. 7401-7671(q)].
3. *Land:* Section 4(f) of the Department of Transportation Act of 1966 [23 U.S.C. 138 and 49 U.S.C. 303]; Section 6(f) of the Land and Water Conservation Fund Act (LWCF) [16 U.S.C. 460l-4-460l-11.]; Landscaping and Scenic Enhancement (Wildflowers) [23 U.S.C. 319].
4. *Wildlife:* Section 7 of the Endangered Species Act [16 U.S.C. 1531-1544]; Fish and Wildlife Coordination Act [16 U.S.C. 661-667 (e)]; Migratory Bird Treaty Act [16 U.S.C. 703-712].
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.*]; Archeological Resources Protection Act of 1977 [16 U.S.C. 470aa-mm]; Archeological and Historic Preservation Act [16 U.S.C. 469-469(c)].

6. *Social and Economic:* Title VI of the 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 (FPPA) [7 U.S.C. 4201-4209].

7. *Wetlands and Water Resources:* Clean Water Act [33 U.S.C. 1251-1376]; Safe Drinking Water Act (SDWA) [42 U.S.C. 300(f)-300(j)-26]; Emergency Wetlands Resources Act, [16 U.S.C. 3921, 3931]; Wetlands Mitigation [23 U.S.C. 103(b)(6)(M) and 133 (b)(11)]; Flood Disaster Protection Act [42 U.S.C. 4001-4128].

8. *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: April 22, 2013.

Phillip A. Ditzler,

Division Administrator, Salem, Oregon.

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DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA-2013-0069]

Hours of Service of Drivers: Application for Exemption; Timberdoodle Company

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

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

SUMMARY: FMCSA announces that Timberdoodle Company (Timberdoodle)

has applied for an exemption from a provision of the “Hours of Service [HOS] of Drivers” regulations (49 CFR part 395). Timberdoodle seeks exemption from section 395.3(b)(1) which prohibits drivers of commercial motor vehicles (CMVs) from driving after accumulating 60 hours on duty in a period of 7 days. Timberdoodle asks that its drivers be exempted from including on-duty time that is not driving time in this calculation. Timberdoodle states that CMV operations under its proposed rules are likely to achieve a level of safety equivalent to or greater than the level of safety as would be obtained in the absence of the exemption.

DATES: Comments must be received on or before June 3, 2013.

ADDRESSES: You may submit comments identified by Federal Docket Management System Number FMCSA–2013–0069 by any of the following methods:

- *Federal eRulemaking Portal:* www.regulations.gov. Follow the online instructions for submitting comments.
- *Fax:* 1–202–493–2251.
- *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, DOT Building, 1200 New Jersey Avenue SE., between 9 a.m. and 5 p.m. e.t., Monday through Friday, except Federal holidays.

Instructions: All submissions must include the Agency name and docket number. For detailed instructions on submitting comments and additional information on the exemption process, see the *Public Participation* heading below. Note that all comments received will be posted without change to www.regulations.gov, including any personal information provided. Please see the *Privacy Act* heading below.

Docket: For access to the docket to read background documents or comments received, go to www.regulations.gov at any time and in the box labeled “SEARCH for” enter FMCSA–2013–0069 and click on the tab labeled “SEARCH.”

Privacy Act: Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review a Privacy Act notice regarding our public dockets in the January 17, 2008, issue of the **Federal Register** (73 FR 3316).

Public Participation: The Federal eRulemaking Portal is available 24 hours each day, 365 days each year. You can get electronic submission and retrieval help and guidelines by clicking on the word “Help” at the top of the Portal home page. If you want us to notify you that we received your comments, please include a self-addressed, stamped envelope or postcard, or print the acknowledgement page that appears after submitting comments online. Comments received after the comment closing date will be included in the docket, and we will consider late comments to the extent practicable.

FOR FURTHER INFORMATION CONTACT: Mr. Thomas Yager, Chief, FMCSA Driver and Carrier Operations Division; Office of Bus and Truck Standards and Operations; Telephone: 202–366–4325. Email: MCPSTD@dot.gov.

SUPPLEMENTARY INFORMATION:

Background

FMCSA has authority under 49 U.S.C. 31315 and 31136(e) to grant exemptions from certain parts of the FMCSRs. The Agency is required to publish a notice of each exemption request in the **Federal Register** [49 CFR 381.315(a)]. FMCSA must provide the public an opportunity to inspect the information relevant to the application, including any safety analyses that have been conducted. The Agency must also provide an opportunity for public comment on the request. FMCSA reviews safety analyses and public comments, and determines whether granting the exemption would likely achieve a level of safety equivalent to, or greater than, the level of safety that would be obtained in the absence of the exemption (49 CFR 381.305). The decision of the Agency must be published in the **Federal Register** with the reasons for denying or granting the application, and if granted, the name of the person or class of persons receiving the exemption, and the regulatory provisions from which the exemption is granted [49 CFR 381.315(b) and (c)]. The notice must specify the effective period of the exemption, and its terms or conditions. The exemption may be renewed [49 CFR 381.300(b)].

The HOS Rules

Part 395 of volume 49 of the Code of Federal Regulations, “Hours of Service of Drivers,” prescribes various maximums, such as driving time, as well as minimums, such as the amount of off-duty time, that the driver of a property-carrying CMV must obtain before beginning a duty period. Section

395.3 prohibits driving after a driver has been on duty for 60 hours in a period of 7 consecutive days, or 70 hours in 8 consecutive days if a company operates every day of the week. On-duty time includes both time spent operating a CMV, recorded as “on duty/driving” time, and time spent at the employer’s behest on matters other than driving, recorded as “on duty/not driving” time.

Application for Exemption

Timberdoodle uses its CMVs to travel to conferences and conventions, where it sets up sales displays. The CMV drivers staff the display booth, which consumes more of their time than driving.

Timberdoodle is asking that two of its drivers be exempt from the HOS rule prohibiting driving after drivers accumulate a total of 60 hours of on-duty time in any period of 7 consecutive days. Timberdoodle requests that, instead, its drivers be subject to the prohibition after 60 hours of driving time in any 7 consecutive day period. “On duty/not driving” time would be removed from the calculation of total hours on duty. Timberdoodle drivers would comply with all other HOS regulations.

A copy of Timberdoodle’s application for exemption is in Docket FMCSA–2013–0069.

Request for Comments

In accordance with 49 U.S.C. 31315(b)(4) and 31136(e), FMCSA requests public comment on Timberdoodle’s application for exemption from section 395.3(b)(1). The Agency will consider all comments received by close of business on May 23, 2013. Comments will be available for examination in the docket as explained in the **ADDRESSES** section of this notice under the term “Docket.” The Agency will consider to the extent practicable comments received in the public docket after the closing date of the comment period.

Issued on: April 24, 2013.

Larry W. Minor,

Associate Administrator for Policy.

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