

provider. FTA expects this to be rare and to not occur where there is a provider that will schedule trips over the phone.

There may be some situations in which a public transit agency permits passengers to schedule trips with a choice of two or more ridesourcing companies as well as one or more taxicab companies in order to ensure the service is available for all passengers. In some cases, the taxicab company may be the only provider able to schedule trips over the phone or accept cash payment from passengers without a smart phone or credit card. As long as there is no contract or informal arrangement, the Drug and Alcohol rule does not apply to situations where there are multiple providers but only one provider that accepts phone reservations and/or accepts cash. While some passengers may have only one choice, this does not change the fact that many passengers will have more than one choice, so the Drug and Alcohol rule will not apply to these providers.

May a transit agency develop an App for users to schedule rides with TNCs?

A transit agency may develop an app for passenger convenience to schedule unsubsidized rides with the TNCs and taxicab companies in its area. Such an app does not constitute a contractual or informal arrangement for purposes of the drug and alcohol testing requirement. A shared app, on its own, without a link to a transit-agency subsidized TNC or taxicab trip, is not a safety-sensitive function. However, if the transit agency is subsidizing trips (e.g., with vouchers) scheduled with the app, the Drug and Alcohol rule applies unless there are two or more providers available with the same app, with no contractual or informal arrangement for the transportation service, and passengers can choose the provider for each trip.

If my project is funded with Public Transportation Innovation (Section 5312) research funds, does the drug and alcohol testing requirement apply?

No. If the project is funded with research dollars, the law permits the Secretary to prescribe terms and conditions for the grant award. FTA has determined the Drug and Alcohol rule does not apply to these funds, even if the recipient of Public Transportation Innovation (Section 5312) research funds is also a recipient of Urbanized Area (Section 5307), Capital Investment Grant (Section 5309) or Rural Area (Section 5311) funds.

Does the Drug and Alcohol rule apply to pilot programs that do not use any FTA funds?

Yes. If a transit agency receiving FTA funds under 49 U.S.C. 5307, 5309, or 5311 subsidizes ridesourcing services under a pilot program that does not use FTA funds, the transit agency must incorporate the ridesourcing company drivers into an FTA/DOT compliant drug and alcohol testing program, unless there are two or more providers, there is no contractual or informal arrangement for the transportation service, and passengers can choose the provider for each trip. Drivers may be included in a transit agency's testing pool or a TNC's or taxicab company's testing pool, as long as the testing program complies with FTA's drug and alcohol testing regulation.

FTA seeks comment from all interested parties. After consideration of the comments, FTA will issue a second **Federal Register** notice with a final set of Frequently Asked Questions.

**Veronica Vanterpool,**

*Deputy Administrator.*

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## DEPARTMENT OF TRANSPORTATION

### Maritime Administration

[Docket No. MARAD-2019-0093]

#### Deepwater Port License Application: Texas GulfLink LLC (GulfLink)—Special Notice

**AGENCY:** Maritime Administration, Department of Transportation.

**ACTION:** Notice.

**SUMMARY:** The Maritime Administration (MARAD) is providing notice to the public of the delay in issuing the Record of Decision for the proposed Texas GulfLink Deepwater Port, as the agency continues to process and consider public submissions on the proposed project.

#### FOR FURTHER INFORMATION CONTACT:

Brian Barton, Office of Deepwater Ports and Port Conveyance, MARAD, telephone: 202-366-4610, email: [Deepwater.Ports@dot.gov](mailto:Deepwater.Ports@dot.gov).

**SUPPLEMENTARY INFORMATION:** Under section 5(k) of the Deepwater Port Act of 1974 (DWPA) (33 U.S.C. 1504(k)), MARAD is required to publish a written statement in the **Federal Register** regarding delays in the processing of applications for oil or natural gas terminals licensed under the DWPA. On May 30, 2019, MARAD and the U.S.

Coast Guard (USCG) received a license application from GulfLink for all Federal authorizations required for a license to construct, own, and operate a deepwater port for the export of oil in the Gulf of Mexico off the coast of Brazoria County, TX. A Notice of Application summarizing and providing further information regarding the GulfLink Deepwater Port License application was published in the **Federal Register** on June 26, 2019 (84 FR 30298). After extensive public and interagency review, a Final Environmental Impact Statement (FEIS) was published on July 5, 2024, and the final public hearing was held on September 13, 2024. Over 44,000 public submissions on the FEIS and final public hearing were received in the TGL docket number MARAD-2019-0093 at [Regulations.gov](https://www.regulations.gov). MARAD is still reviewing and considering the comments received and issuance of a Record of Decision is therefore delayed. The applicable deadline for issuance of the Record of Decision is set forth in DWPA section 5(i)(1) (33 U.S.C. 1504(i)(1)). This ongoing review will ensure that all substantive public comments are considered and that the information, data, and viewpoints received during this phase of the project review are fully assessed and evaluated before MARAD renders a final decision.

### Privacy Act

Anyone can 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.). For information on DOT's compliance with the Privacy Act, visit [www.transportation.gov/privacy](http://www.transportation.gov/privacy).

(Authority: DWPA, Pub. L. 93-627 (33 U.S.C. 1501 *et seq.*); 49 CFR 1.93(h))

By Order of the Maritime Administrator.

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

*Secretary, Maritime Administration.*

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## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

[Docket No. NHTSA-2021-0035; Notice 2]

#### Michelin North America, Inc., Grant of Petition for Decision of Inconsequential Noncompliance

**AGENCY:** National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).