

of Appeals for the District of Columbia Circuit partially vacated the policy, disallowing the portion dealing with historic cost valuation of airport property. *Air Transport Association of America v. Department of Transportation*, 119 F.3d 38 (D.C. Cir. 1997), as modified on rehearing, Order of Oct. 15, 1997. The Department of Transportation, Office of the Secretary, and the FAA published an Advance Notice of Proposed Policy seeking suggestions for replacement provisions of those portions the Court vacated (63 FR 43228, August 12, 1998).

The Department of Transportation is conducting studies related to the use of market pricing to manage demand at congested airports. Substantial overlap of the issues exists between the Department study and the published Advance Notice of Proposed Policy Regarding Airport Rates and Charges. To avoid duplication of effort and resources, and to allow more complete analysis of the issues, the FAA is withdrawing the Advance Notice of Proposed Policy Regarding Airport Rates and Charges.

Discussion of Comments

In response to the advance notice, we received comments from the Air Transport Association (ATA), Airports Council International "North America (ACI-NA), National Business Travel Association, the Kauai Helicopter Operators Association, and 13 airports. The time period for comments and reply comments was extended at the request of ATA and ACI-NA.

Commenters offer their perspective on existing fee structures and methodologies, distinctions between fees charged for airfield versus non-airfield assets, and evidence of airport monopoly power. Comments from ATA, ACI-NA and Los Angeles World Airports include economic discussions from consulting economists. In general, air carriers favor historical cost accounting as the basis for aeronautical rates and charges, while airports favor basing rates and charges on fair market value of aeronautical assets. Air carriers express concern that any new policy should prevent airports from adding imputed interest to funds derived from airfield and other essential aeronautical facilities. Issues and recommendations presented by commenters will require further study, but will not be pursued within the course of the Policy Regarding Airport Rates and Charges addressed by this document, because the Department of Transportation will consider these and related issues in its study of congestion pricing at airports.

Conclusion

The Department of Transportation's current study of congestion pricing at airports will encompass many of the rates and charges issues addressed in the Advance Notice of Proposed Policy entitled Policy Regarding Airport Rates and Charges. Therefore, the FAA withdraws the Advance Notice of Proposed Policy published at 63 FR 43228 on August 12, 1998. Withdrawal of the Advance Notice of Proposed Policy does not preclude the FAA from issuing another notice on the subject matter in the future or commit the agency to any future course of action.

Issued in Washington, DC, on January 31, 2003.

Woodie Woodward,

Associate Administrator for Airports.

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DEPARTMENT OF TRANSPORTATION

Federal Transit Administration

Over-the-Road Bus Accessibility Program Grants

AGENCY: Federal Transit Administration (FTA), DOT.

ACTION: Notice of availability of fiscal year 2003 funds; solicitation of grant applications.

SUMMARY: The U.S. Department of Transportation (DOT) Federal Transit Administration (FTA) announces the availability of funds in fiscal year (FY) 2003 for the Over-the-road Bus (OTRB) Accessibility Program, authorized by Section 3038 of the Transportation Equity Act for the 21st Century (TEA-21), 49 U.S.C. 5310 *note*. The OTRB Accessibility Program makes funds available to private operators of over-the-road buses to finance the incremental capital and training costs of complying with DOT's over-the-road bus accessibility final rule, published in a **Federal Register** notice on September 24, 1998. The OTRB Accessibility Program calls for national solicitation of applicants, with grantees to be selected on a competitive basis. Federal transmit funds are available to intercity fixed-route providers and other OTRB providers are up to 90 percent of the project cost.

A total of \$24.3 million is available for the program over the life of TEA-21. The guaranteed level of funding available for intercity fixed-route service was \$2 million in FY 1999, \$2 million in FY 2000, \$3 million in FY 2001, \$5.25 million in FY 2002, and is \$5.25 million in FY 2003, for a total of \$17.5

million. The guaranteed level of funding for other over-the-road bus service, including charter and tour bus, is \$1.7 million per year from FY 2000 to FY 2003, for a total of \$6.8 million.

FTA expects that in FY 2003, \$5.25 million will be appropriated for intercity fixed-route service providers and \$1.7 million will be appropriated for other over-the-road bus service providers. This announcement describes application procedures for the OTRB Accessibility Program and the procedures FTA will use to determine which projects it will fund.

This announcement is available on the Internet on the FTA Web site at: <http://www.fta.dot.gov/library/legal/federalregister/2003/index.html>. FTA will announce final selections on the Web site and in the **Federal Register**.

DATES: Complete applications for OTRB Accessibility Program grants must be submitted to the appropriate FTA regional office (see Appendix A) by the close of business March 28, 2003. The appropriate FTA regional office is that office which serves the state in which an applicant's headquarters office is located. FTA will announce grant selections in June 2003.

FOR FURTHER INFORMATION CONTACT: Contact the appropriate FTA Regional Administrator (Appendix B) for application-specific information and issues. For general program information, contact Blenda Younger, Office of Program Management, (202) 366-2053, e-mail: blenda.younger@fta.dot.gov. A TDD is available at 1-800-877-8339 (TDD/FIRS).

SUPPLEMENTARY INFORMATION:

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I. General Program Information

A. Authority

The program is authorized under section 3038 of the Transportation Equity Act for the 21st Century (TEA-21), 49 U.S.C. 5310 *note*. Although FY 2003 funds have not been appropriated, FTA is issuing the solicitation notice now to get the application cycle started.

B. Background

Over-the-road buses are used in intercity fixed-route service as well as other services, such as commuter, charter, and tour bus services. These services are an important element of the U.S. transportation system. TEA-21