

which may be in assigned hazardous materials shipments.

Recommended Action: In recognition of the need to assure safety, FRA recommends that railroads, manufacturers, and car owners make every attempt to adhere to the *Industry Safety Action Plan* developed by AAR and expedite wherever possible the handling of potentially defective NCM bolsters. FRA realizes that the industry has been delayed to some extent in meeting the time schedules detailed in the Safety Action Plan due to the short supply of replacement bolsters and the desire to minimize operating impacts. With this in mind, FRA expects owners of hazardous materials tank cars equipped with these defective bolsters to have the cars shipped once the cars become empty and NOT RELOAD until defective bolsters have been removed and once defective bolsters have been removed to so notify the AAR.

Failure of the rail industry to voluntarily take action consistent with the AAR *Industry Safety Action Plan* may result in FRA pursuing other corrective measures to enforce public safety under its rail safety authority. FRA may modify this Safety Advisory 2003-03, issue additional safety advisories, or take other appropriate action necessary to ensure the highest level of safety on the nation's railroads.

Issued in Washington, DC, on November 18, 2003.

George A. Gavalla,

Associate Administrator for Safety.

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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 2004 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) 2004 for the Over-the-Road Bus (OTRB) Accessibility Program, authorized by Section 3038 of the Transportation Equity Act for the 21st Century (TEA-21). 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 applications, with grantees to be selected on a competitive basis. Federal transit funds are available to intercity fixed-route providers and other OTRB providers at up to 90 percent of the project cost.

FTA expects that in FY 2004, \$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. As of the date of this announcement, TEA-21 has been extended through February 29, 2004, and the FY 2004 funding for FTA programs has not yet been appropriated by Congress. This announcement describes application procedures for the OTRB Accessibility Program and the procedures FTA will use to determine which projects it will fund when the status of FY 2004 funding is resolved.

This announcement is available on the Internet on the FTA website at: <http://www.fta.dot.gov>. FTA will announce final selections on the website and in the **Federal Register**. A synopsis of this announcement will be posted in the FIND module of the government-wide electronic grants website at <http://www.grants.gov>.

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 February 2, 2004.

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 summer 2004, or when FY 2004 funds are fully available.

FOR FURTHER INFORMATION: 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). Although FY 2004 funds have not yet been appropriated as of the date of this notice, 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 authorized FTA's Over-the-road Bus Accessibility Program to assist over-the-road bus operators in complying with the Department's Over-the-road Bus Accessibility rule, "Transportation for Individuals with Disabilities" (49 CFR part 37) published in a **Federal Register** notice on September 24, 1998.

Summary of DOT's Over-the-Road Bus Accessibility Rule

Deadlines for Acquiring Accessible Vehicles. Under the over-the-road bus accessibility rule, all new buses obtained by large (Class I carriers, *i.e.*, those with gross annual operating revenues of \$5.3 million or more), fixed-route carriers after October 30, 2000 must be accessible, with wheelchair lifts and tie-downs that allow passengers to ride in their own wheelchairs. The rule requires 50 percent of the fixed-route carriers' fleets to be accessible by 2006, and 100 percent of the vehicles in their fleets to be accessible by 2012. The buses acquired by small (gross operating revenues of less than \$5.3 million annually) fixed-route providers after October 29, 2001 also are required to be lift-equipped, although they do not have a deadline for total fleet accessibility. Small providers also can provide equivalent service in lieu of obtaining accessible buses. Starting in 2001, charter and tour companies have to provide service in an accessible bus on 48 hours' advance notice. Fixed-route companies must also provide this kind of service on an interim basis until their fleets are completely accessible.

Deadlines for Delivering Accessible Service. The rules for delivering accessible motorcoach service went into effect October 29, 2001 for large fixed-route, charter, tour and other demand-responsive motorcoach companies. The rules went into effect for small operators on October 28, 2002. After these dates, companies must provide service in an accessible coach to a passenger who