

Section 176 of the Consolidated Appropriations Act, 2004, further amends section 3027(c)(3) of TEA-21, as amended, for FY 2004. The two principal changes set forth in the language of section 176 are: (1) The number of vehicles an eligible transit provider may operate is 25 or fewer; and (2) the total amount of funding available for assistance to all entities may not exceed \$10 million. Previously, only four Texas grantees were eligible; but we believe additional grantees may be eligible under this amendment. All grantees wishing to use section 176, including those previously identified as eligible, must meet the criteria listed below and are asked to send letters of intent to the appropriate FTA Regional Office.

### Criteria

The criteria by which FTA will allow eligibility for Federal transit operating assistance under the provisions of section 176 of the Consolidated Appropriations Act, 2004, are as follows:

1. The only transit service the operator provides is demand-responsive service for elderly persons and/or persons with disabilities. Such service does not include service for the general public.
2. The number of demand-responsive vehicles, operated in maximum service, is 25 or fewer.
3. The operator provides the demand-responsive service in a UZA with a population of 200,000 or more.
4. The demand-responsive service provided is not ADA paratransit service complementary to fixed-route service.
5. Neither fixed-route nor ADA-related paratransit service complementary to fixed-route service is provided in the service areas served by the demand-responsive service for which Federal transit operating assistance will be requested.
6. The Metropolitan Planning Organization concurs in the use of operating assistance for a portion of the urbanized area's section 5307 apportionment.

### Calculation

After determining a transit provider's eligibility to use section 5307 funds for operating assistance, and taking into account the total amounts of Federal transit operating assistance being requested, FTA will determine the amount for which the recipient is eligible. The grantee/transit operator may not apply for and will not receive more than 50 percent of its net cost for operating expenses for the local fiscal

year for which operating assistance is requested.

If the total amount requested by all eligible recipients under section 176 is greater than \$10 million, FTA will calculate the amount allowable to each eligible recipient on a pro-rated basis to all of the eligible recipients requesting assistance under section 176.

### FTA Grant Application Requirements

All of the normal FTA grant requirements regarding Federal transit operating assistance apply, as described in Appendix D of FTA Circular 9030.1C, "Urbanized Area Formula Program: Grant Application Instructions," dated October 1, 1998. Understanding that amendments to Transportation Improvement Programs (TIP) and State Transportation Improvement Programs (STIP) will have to be made, FTA will not require that the funds be programmed in a TIP before the letter of intent is received. However, use of the funds under section 176 must be programmed in an approved TIP and an approved STIP before FTA can obligate funds.

### Letter of Intent

The letter of intent, which must be received by the appropriate FTA Regional Office on or before June 16, 2004, should address the following:

1. Each criterion of eligibility listed.
2. The amount of FY 2004 funds requested for Federal transit operating assistance. Such amount may not be greater than 50 percent of the grant recipient's net cost for operating expenses for the local fiscal year for which operating assistance is requested. After eligibility and funding determinations have been made, FTA will notify all transit providers/grantees that submitted letters of intent of their eligibility status and the amount of funding they may apply for. Please contact the appropriate FTA Regional Office for additional information or guidance if you intend to make use of this provision.

Issued on: May 11, 2004.

**Jennifer L. Dorn,**  
Administrator.

### Appendix A—FTA Regional Offices

- Region 1—Boston, Kendall Square, 55 Broadway, Suite 920, Cambridge, MA 02142-1093, Tel. 617 494-2055
- Region 2—New York, One Bowling Green, Room 429, New York, NY 10004-1415, Tel. No. 212 668-2170
- Region 3—Philadelphia 1760 Market Street, Suite 500, Philadelphia, PA 19103-4124, Tel. 215 656-7100
- Region 4—Atlanta, Atlanta Federal Center, Suite 17T50, 61 Forsyth Street SW, Atlanta, GA 30303, Tel. 404 562-3500

Region 5—Chicago, 200 West Adams Street, Suite 320, Chicago, IL 60606, Tel. 312 353-2789

Region 6—Ft. Worth, 819 Taylor Street, Room 8A36, Ft. Worth, TX 76102, Tel. 817 978-0550

Region 7—Kansas City, MO 901 Locust Street, Room 404, Kansas City, MO 64106, Tel. 816 329-3920

Region 8—Denver, Columbine Place, 216 16th Street, Suite 650, Denver, CO 80202-5120, Tel. 303 844-3242

Region 9—San Francisco, 201 Mission Street, Room 2210, San Francisco, CA 94105-1926, Tel. 415 744-3133

Region 10—Seattle, Jackson Federal Building, 915 Second Avenue, Suite 3142, Seattle, WA 98174-1002, Tel. 206 220-7954

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## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[STB Ex Parte No. 282 (Sub-No. 20)]

### Railroad Consolidation Procedures— Exemption for Temporary Trackage Rights

**AGENCY:** Surface Transportation Board, DoT.

**ACTION:** Notice; amendment of final decision.

**SUMMARY:** By decision served on May 23, 2003, the Board amended its rules at 49 CFR part 1180 to adopt a new class exemption for trackage rights proposals that are limited to overhead operations and which expire on a date certain, not to exceed 1 year from the effective date of the exemption. The final rule was published in the **Federal Register** on May 23, 2003, 68 FR 28139-40. In the final decision, the Board stated that approval of temporary trackage rights agreements under 49 U.S.C. 11323 must include the employee protective conditions set forth in *Norfolk and Western Ry. Co.—Trackage Rights—BN*, 354 I.C.C. 605 (1978), as modified by *Mendocino Coast Ry., Inc.—Lease and Operate*, 360 I.C.C. 653 (1980), *aff'd sub nom. Railway Labor Executives' Ass'n v. United States*, 675 F.2d 1248 (D.C. Cir. 1982) (*Norfolk and Western* conditions). In accordance with a recent decision of the United States Court of Appeals for the District of Columbia in *United Transportation Union—General Committee of Adjustment (GO-386) v. Surface Transportation Board*, 363 F.3d 465 (D.C. Cir. 2004), the Board now amends its final decision to require not only the imposition of the *Norfolk and Western* conditions on the acquisition of temporary trackage rights under the new rule, but also the imposition of the

employee protective conditions set forth in *Oregon Short Line R.R. Co.—Abandonment—Goshen*, 360 I.C.C. 91 (1979), for the discontinuance component of temporary trackage rights authority. The decision will be included in the bound volumes of the STB printed reports at a later date.

**DATES:** Petitions to reopen must be filed by June 7, 2004.

**FOR FURTHER INFORMATION CONTACT:**

Joseph H. Dettmar, (202) 565-1600. [Assistance for the hearing impaired is available through the Federal Information Relay Service (FIRS) at 1-800-877-8339.]

**SUPPLEMENTARY INFORMATION:**

Additional information is contained in the Board's decision. To purchase a copy of the full decision, write to, call, or pick up in person from: ASAP Document Solutions, 9332 Annapolis Road, Suite 103, Lanham, MD 20706. Telephone: (301) 577-2600. [FIRS for the hearing impaired: 1-800-877-8339.]

Board decisions and notices are available on our Web site at <http://www.stb.dot.gov>.

Decided: May 10, 2004.

By the Board, Chairman Nober.

**Vernon A. Williams,**

*Secretary.*

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## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

#### Advisory Group to the Internal Revenue Service, Tax Exempt and Government Entities Division (TE/GE); Meeting

**AGENCY:** Internal Revenue Service (IRS), Treasury.

**ACTION:** Notice.

**SUMMARY:** The Advisory Committee on Tax Exempt and Government Entities (ACT) will hold a public meeting on Wednesday, June 9, 2004.

**FOR FURTHER INFORMATION, CONTACT:**

Steven J. Pyrek, Director, Communications and Liaison, 1111 Constitution Ave., NW., SE:T:CL—Penn Bldg, Washington, DC 20224. Telephone: 202-283-9966 (not a toll-free number). E-mail address: [Steve.J.Pyrek@irs.gov](mailto:Steve.J.Pyrek@irs.gov).

**SUPPLEMENTARY INFORMATION:** By notice herein given, pursuant to section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1988), a public meeting of the ACT will be held on Wednesday, June 9, 2004, from 9

a.m. to 2 p.m., at the Internal Revenue Service, 1111 Constitution Ave., NW., Room 3313, Washington, DC. Issues to be discussed relate to Employee Plans, Exempt Organizations, and Government Entities.

Reports from four ACT subgroups cover the following topics:

- Barriers to Voluntary Compliance: Governmental Employers' Perspective.
- Indian Tribal Government Guidance Priorities.
- Employee Plans Operational Guidance.
- Audit Cycle Time and Communications: Employee Plans and Tax Exempt Bonds.
- Reviewing IRS Policies and Procedures to Leverage Enforcement: Recommendations to Enhance Exempt Organization's (EO's) Enforcement and Compliance Efforts

Last minute agenda changes may preclude advance notice. Due to limited seating and security requirements, attendees must call Demetrica Bess to confirm their attendance. Ms. Bess can be reached at (202) 283-9954. Attendees are encouraged to arrive at least 30 minutes before the meeting begins to allow sufficient time for security clearance. Picture identification must be presented. Please use the main entrance at 1111 Constitution Ave., NW., to enter the building.

Should you wish the ACT to consider a written statement, please call (202) 283-9966, or write to: Internal Revenue Service, 1111 Constitution Ave., NW., SE:T:CL—Penn Bldg; Washington, DC 20224, or e-mail [Steve.J.Pyrek@irs.gov](mailto:Steve.J.Pyrek@irs.gov).

Dated: May 11, 2004.

**Steven J. Pyrek,**

*Designated Federal Official, Tax Exempt and Government Entities Division.*

[FR Doc. 04-11137 Filed 5-14-04; 8:45 am]

**BILLING CODE 4830-01-P**

## DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900-0619]

### Proposed Information Collection Activity: Proposed Collection; Comment Request

**AGENCY:** Veterans Health Administration, Department of Veterans Affairs.

**ACTION:** Notice.

**SUMMARY:** The Veterans Health Administration (VHA), Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the

Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of a currently approved collection, and allow 60 days for public comment in response to the notice. This notice solicits comments on rapid response to electronic inquiries submitted to VA through the Inquiry Routing and Information System (IRIS).

**DATES:** Written comments and recommendations on the proposed collection of information should be received on or before July 16, 2004.

**ADDRESSES:** Submit written comments on the collection of information to Ann W. Bickoff, Veterans Health Administration (19E1), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420 or e-mail [ann.bickoff@mail.va.gov](mailto:ann.bickoff@mail.va.gov). Please refer to "OMB Control No. 2900-0619" in any correspondence.

**FOR FURTHER INFORMATION CONTACT:** Ann W. Bickoff (202) 273-8310 or Fax (202) 273-9381.

**SUPPLEMENTARY INFORMATION:** Under the PRA of 1995 (Pub. L. 104-13; 44 U.S.C. 3501-3521), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VHA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of VHA's functions, including whether the information will have practical utility; (2) the accuracy of VHA's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

*Title:* Inquiry Routing and Information System (IRIS).

*OMB Control Number:* 2900-0619.

*Type of Review:* Extension of a currently approved collection.

*Abstract:* The World Wide Web is a powerful media for the delivery of information and services to veterans, dependents, and active duty personnel worldwide. IRIS allows a customer to submit questions, complaints, compliments, and suggestions directly to the appropriate office at any time and