

Because the demand for credit assistance now exceeds budgetary resources, it is no longer feasible for DOT to maintain, as it had since 2002, an open process whereby the TIFIA JPO accepted applications on a "first come, first serve" basis as defined by the optimal schedule of the applicant. Instead, the DOT is returning to periodic fixed-date solicitations that will establish a competitive group of projects to be evaluated against the TIFIA program objectives.

The eight TIFIA selection criteria are described in statute at 23 U.S.C. 602(b) and assigned relative weights via regulation at 49 CFR 80.15. The criteria were restated in the December 3, 2009, **Federal Register** notice at 74 FR 63497 with, where appropriate, clarifying language that indicated how the DOT will interpret them. In general, these clarifications indicated the DOT's desire to give priority to projects that have a significant impact on desirable long-term outcomes for the Nation, a metropolitan area, or a region.

As detailed in the December 3, 2009, **Federal Register** notice, beginning in fiscal year 2008, the total credit requests from TIFIA applicants exceeded available resources. In response, the Department suspended consideration of new applications and reserved anticipated fiscal years 2009 and 2010 appropriations with the expectation that existing applicants would contribute to the Government's cost of providing credit assistance. Several potential applicants, however, rather than waiting to compete for scarce TIFIA funds in fiscal year 2010 and beyond, have indicated an interest paying a fee to offset the entire budgetary cost to the Federal Government. As a result, the DOT announced that it is exploring the potential of implementing a pilot program under which the DOT would accept applications for projects where the borrowers are willing and able to pay a fee to offset the entire subsidy cost of TIFIA credit assistance. The purpose of this pilot program would be to extend credit, consistent with policy objectives, to qualified projects that DOT otherwise cannot provide TIFIA assistance merely due to insufficient budgetary resources.

Finally, with the pending discussions regarding reauthorization of the TIFIA credit program, the DOT is soliciting stakeholder reauthorization proposals at this listening session regarding potential changes to improve the TIFIA program.

## II. Purpose of the Listening Session

At the listening session, the DOT will receive the public's feedback on the following four issues.

Because demand for the TIFIA program now exceeds budgetary resources, the DOT recently announced the suspension of the program's open application process and the return to periodic fixed-date solicitations that will establish a competitive group of projects to be evaluated against program objectives.

Additionally, the DOT provided new language clarifying its use of the TIFIA selection criteria, incorporating explicit consideration of these policy objectives: livability, economic competitiveness, safety, sustainability, and state of good repair.

In light of constrained resources vis-à-vis demand for TIFIA assistance, the DOT requested comments regarding the potential implementation of a pilot program to accept, from qualified borrowers, an upfront fee payment to offset the entire subsidy cost of TIFIA credit assistance.

Finally, the DOT will utilize this listening session to seek feedback from stakeholders regarding potential changes to strengthen and/or expand the TIFIA program.

The DOT is committed to providing all interested parties an opportunity to discuss perspectives on pertinent issues that could affect the TIFIA program. While the NOFA published on December 3, 2009, sought public comment on specific issues related to TIFIA, the DOT recognizes that it would be useful to obtain additional information on a broader range of TIFIA-related subjects. Notwithstanding this listening session, however, individuals are encouraged to submit official comments to the docket. Participants are discouraged from reading prepared statements.

## III. Meeting Information

The meeting will be held from 10:30 a.m. to 4:30 p.m., *e.t.*, on Friday, February 12, 2010, in the West Atrium of the U.S. Department of Transportation located at 1200 New Jersey Avenue, SE., Washington, DC 20590. Because access to the DOT building is controlled, all visitors must sign in with the security office located at the west building entrance, present valid picture identification, be escorted, and wear a visitor's badge at all times while in the building.

Due to security procedures and space limitations, individuals who wish to attend the listening session must pre-register online by no later than 5 p.m., *e.t.*, on Monday, February 8, 2010, to gain admittance to the meeting. Interested participants must register through the following link <http://www.housmanandassociates.com/>

*usdot/*. Anyone having difficulties registering online should contact Oscar Bedolla at [TIFIAcredit@dot.gov](mailto:TIFIAcredit@dot.gov), (202)366-0638, for assistance with the online registration. All participants must be registered online. The first 200 participants to register will be granted entrance to the listening session. No formal presentations by participants will be permitted.

Notwithstanding this session, individuals who wish to submit formal written comments to the docket are encouraged to follow the instructions provided in the original NOFA issued on December 3, 2009, at 74 FR 63497 prior to the closing date of March 1, 2010.

**Authority:** 23 U.S.C. 601-609; 49 CFR 1.48(b)(6); 23 CFR Part 180; 49 CFR Part 80; 49 CFR Part 261; 49 CFR Part 640.

Issued on: January 26, 2010.

**Victor M. Mendez,**  
*Administrator.*

[FR Doc. 2010-1966 Filed 1-29-10; 8:45 am]

**BILLING CODE 4910-22-P**

## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[STB Ex Parte No. 290 (Sub-No. 4)]

### Railroad Cost Recovery Procedures—Productivity Adjustment

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

**ACTION:** Proposed Railroad Cost Recovery Procedures Productivity Adjustment.

**SUMMARY:** In a decision served on February 1, 2010, we proposed to adopt 1.010 (1.0% per year) as the measure of average change in railroad productivity for the 2004-2008 (5-year) averaging period. This is a decline of 0.5 of a percentage point from the current measure of 1.5% that was developed for the 2003-2007 period. The Board's February 1, 2010 decision in this proceeding stated that comments may be filed addressing any perceived data and computational errors in our calculation. It also stated that, if there were no further action taken by the Board, the proposed productivity adjustment would become effective on March 1, 2010.

**DATES:** The productivity adjustment is effective March 1, 2010. Comments are due by February 22, 2010.

**ADDRESSES:** Send comments (an original and 10 copies) referring to STB Ex Parte No. 290 (Sub-No. 4) to: Surface Transportation Board, 395 E Street, SW., Washington, DC 20423-0001.

**FOR FURTHER INFORMATION CONTACT:** Michael Smith, (202) 245-0322. Federal Information Relay Service (FIRS) for the hearing impaired: 1-800-877-8339.

**SUPPLEMENTARY INFORMATION:** Additional information is contained in the Board's decision, which is available on our Web site at <http://www.stb.dot.gov>. Copies of the decision may be purchased by contacting the Board's Office of Public Assistance, Governmental Affairs, and Compliance at (202) 245-0235. Assistance for the hearing impaired is available through FIRS at 1-800-877-8339.

This action will not significantly affect either the quality of the human environment or the conservation of energy resources.

Decided: January 26, 2010.

By the Board, Chairman Elliott, Vice Chairman Mulvey, and Commissioner Nottingham.

**Jeffrey Herzig,**  
Clearance Clerk.

[FR Doc. 2010-1993 Filed 1-29-10; 8:45 am]

**BILLING CODE 4915-01-P**

## DEPARTMENT OF TRANSPORTATION

### Maritime Administration

[Docket No. MARAD 2010 0009]

#### Requested Administrative Waiver of the Coastwise Trade Laws

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

**ACTION:** Invitation for public comments on a requested administrative waiver of the Coastwise Trade Laws for the vessel ANN PATRICE.

**SUMMARY:** As authorized by 46 U.S.C. 12121, the Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to grant waivers of the U.S.-build requirement of the coastwise laws under certain circumstances. A request for such a waiver has been received by MARAD. The vessel, and a brief description of the proposed service, is listed below. The complete application is given in DOT docket MARAD-2010-0009 at <http://www.regulations.gov>. Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR part 388 (68 FR 23084; April 30, 2003), that the issuance of the waiver will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in

that business, a waiver will not be granted. Comments should refer to the docket number of this notice and the vessel name in order for MARAD to properly consider the comments. Comments should also state the commenter's interest in the waiver application, and address the waiver criteria given in § 388.4 of MARAD's regulations at 46 CFR part 388.

**DATES:** Submit comments on or before March 3, 2010.

**ADDRESSES:** Comments should refer to docket number MARAD-2010-0009. Written comments may be submitted by hand or by mail to the Docket Clerk, U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue, SE., Washington, DC 20590. You may also send comments electronically via the Internet at <http://www.regulations.gov>. All comments will become part of this docket and will be available for inspection and copying at the above address between 10 a.m. and 5 p.m., E.T., Monday through Friday, except Federal holidays. An electronic version of this document and all documents entered into this docket is available on the World Wide Web at <http://www.regulations.gov>.

**FOR FURTHER INFORMATION CONTACT:** Joann Spittle, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue, SE., Room W21-203, Washington, DC 20590. Telephone 202-366-5979.

#### **SUPPLEMENTARY INFORMATION:**

As described by the applicant the intended service of the vessel ANN PATRICE is:

*Intended Commercial Use of Vessel:* "Fishing Charter operations in Puget Sound (inland)."  
*Geographic Region:* "Washington".

#### **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 DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (Volume 65, Number 70; Pages 19477-78).

Dated: January 25, 2010.

By Order of the Maritime Administrator,  
**Murray Bloom,**  
*Acting Secretary, Maritime Administration.*  
[FR Doc. 2010-1992 Filed 1-29-10; 8:45 am]

**BILLING CODE 4910-81-P**

## DEPARTMENT OF TRANSPORTATION

### Maritime Administration

[Docket No. MARAD 2010 0010]

#### Requested Administrative Waiver of the Coastwise Trade Laws

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

**ACTION:** Invitation for public comments on a requested administrative waiver of the Coastwise Trade Laws for the vessel DRAGON LADY.

**SUMMARY:** As authorized by 46 U.S.C. 12121, the Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to grant waivers of the U.S.-build requirement of the coastwise laws under certain circumstances. A request for such a waiver has been received by MARAD. The vessel, and a brief description of the proposed service, is listed below. The complete application is given in DOT docket MARAD-2010-0010 at <http://www.regulations.gov>. Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR part 388 (68 FR 23084; April 30, 2003), that the issuance of the waiver will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, a waiver will not be granted. Comments should refer to the docket number of this notice and the vessel name in order for MARAD to properly consider the comments. Comments should also state the commenter's interest in the waiver application, and address the waiver criteria given in § 388.4 of MARAD's regulations at 46 CFR part 388.

**DATES:** Submit comments on or before March 3, 2010.

**ADDRESSES:** Comments should refer to docket number MARAD-2010-0010. Written comments may be submitted by hand or by mail to the Docket Clerk, U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue, SE., Washington, DC 20590. You may also send comments electronically via the Internet at <http://www.regulations.gov>. All comments will become part of this docket and will be available for inspection and copying at the above address between 10 a.m. and 5 p.m., E.T., Monday through Friday, except Federal holidays. An electronic version