

economic impact on a substantial number of small entities.

#### *Unfunded Mandates Reform Act of 1995*

The FHWA has determined that this rule does not impose unfunded mandates as defined by the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4, March 22, 1995, 109 Stat. 48). This rule will not result in the expenditure by State, local, and Tribal governments, in the aggregate, or by the private sector, of \$100 million or more in any one year (when adjusted for inflation) (2 U.S.C. 1532). In addition, the definition of “Federal Mandate” in the Unfunded Mandates Reform Act excludes financial assistance of the type in which State, local, or Tribal governments have authority to adjust their participation in the program in accordance with changes made in the program by the Federal Government. The Federal-aid highway program permits this type of flexibility.

#### *Executive Order 13132 (Federalism Assessment)*

This action has been analyzed in accordance with the principles and criteria contained in E.O. 13132. The FHWA has determined that this action does not have sufficient federalism implications to warrant the preparation of a federalism assessment. The FHWA has also determined that this action does not preempt any State law or State regulation or affect the States’ ability to discharge traditional State governmental functions.

#### *Paperwork Reduction Act*

Under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501, *et seq.*), Federal agencies must obtain approval from the Office of Management and Budget for each collection of information they conduct, sponsor, or require through regulations. The FHWA has determined that this action does not contain collection of information requirements for the purposes of the PRA and there was no PRA number associated with this regulation. However, the elimination of this regulatory section will alleviate current burdens imposed on the States by reducing the need to file lengthy Affirmative Action Plans along with filing duplicative EEO–4 documents to FHWA.

#### *National Environmental Policy Act*

The Agency has analyzed this action for the purpose of the National Environmental Policy Act of 1969 (42 U.S.C. 4321) and has determined that it qualifies for a categorical exclusion under 23 CFR 771.117(c)(20), which

applies to the promulgation of regulations, and that no unusual circumstances are present under 23 CFR 771.117(b). Categorically excluded actions meet the criteria for categorical exclusions under 23 CFR 771.117(a) and normally do not require any further NEPA approvals by FHWA.

#### *Executive Order 13175 (Tribal Consultation)*

The FHWA has analyzed this action under E.O. 13175 and believes that it would not have substantial direct effects on one or more Indian tribes; would not impose substantial direct compliance costs on Tribal governments; and, would not preempt Tribal law. Therefore, a Tribal summary impact statement is not required.

#### *Rulemaking Summary, 5 U.S.C. 553(b)(4)*

As required by 5 U.S.C. 553(b)(4), a summary of this rule can be found in the Abstract section of the Department’s Unified Agenda entry for this rulemaking at <https://www.reginfo.gov/public/do/eAgendaViewRule?pubId=202410&RIN=2125-AF87>.

#### *Regulation Identification Number*

A regulation identification number (RIN) is assigned to each regulatory action listed in the Unified Agenda of Federal Regulations. The Regulatory Information Service Center publishes the Unified Agenda in the spring and fall of each year. The RIN contained in the heading of this document can be used to cross reference this action with the Unified Agenda.

#### **List of Subjects in 23 CFR Part 230**

Equal employment opportunity, Federal-aid construction contracts, Grant programs—transportation, Highways and roads, Reporting and recordkeeping requirements.

Issued in Washington, DC, under authority delegated in 49 CFR 1.85(a)(1).

**Gloria M. Shepherd,**

*Executive Director, Federal Highway Administration.*

In consideration of the foregoing, FHWA amends 23 CFR part 230 as set forth below:

#### **PART 230—EXTERNAL PROGRAMS**

■ 1. The authority citation for part 230 is revised to read as follows:

**Authority:** 23 U.S.C. 101, 140, and 315; 42 U.S.C. 2000d *et seq.*; and 49 CFR 1.81.

#### **Subpart C—[Removed and Reserved]**

■ 2. Remove and reserve subpart C, consisting of § 230.301 through appendix A to subpart C of part 230.

[FR Doc. 2025–09753 Filed 5–27–25; 4:15 pm]

**BILLING CODE 4910–22–P**

#### **DEPARTMENT OF TRANSPORTATION**

#### **Federal Highway Administration**

#### **23 CFR Part 490**

#### **RIN 2125–AG27**

#### **National Performance Management Measures; Rescinding Requirements for the First Performance Period**

**AGENCY:** Federal Highway Administration (FHWA), Department of Transportation (DOT).

**ACTION:** Final rule.

**SUMMARY:** This final rule rescinds the requirements pertaining to the performance targets established by State departments of transportation (State DOTs) and Metropolitan Planning Organizations (MPOs) for the first performance period (Calendar Years 2018 through 2021), as originally promulgated in the regulations issued on January 18, 2017, National Performance Management Measures; Assessing Performance of the National Highway System, Freight Movement on the Interstate System, and Congestion Mitigation and Air Quality Improvement Program.

**DATES:** This final rule is effective May 30, 2025.

**FOR FURTHER INFORMATION CONTACT:** For questions about this final rule, please contact Ms. LaToya Johnson, FHWA Office of Infrastructure, 202–366–0479, or via email at [latoya.johnson@dot.gov](mailto:latoya.johnson@dot.gov). For legal questions, please contact Mr. David Serody, FHWA Office of Chief Counsel, 202–366–4241, or via email at [David.Serody@dot.gov](mailto:David.Serody@dot.gov). Office hours for FHWA are from 8 a.m. to 4:30 p.m., eastern time (E.T.), Monday through Friday, except Federal holidays.

#### **SUPPLEMENTARY INFORMATION:**

#### **Electronic Access and Filing**

An electronic copy of this document may also be downloaded from the Office of Federal Register’s website at [www.federalregister.gov](http://www.federalregister.gov) and the U.S. Government Publishing Office’s website at [www.GovInfo.gov](http://www.GovInfo.gov).

#### **I. General Discussion**

Through this final rule, FHWA is rescinding part of the rule issued on January 18, 2017, National Performance

Management Measures; Assessing Performance of the National Highway System, Freight Movement on the Interstate System, and Congestion Mitigation and Air Quality Improvement Program, via Regulation Identifier Number (RIN) 2125–AF54, amending 23 CFR part 490, subpart A. This rule removes the regulatory language pertaining to the phase-in performance target reporting requirements related to the first performance period (January 1, 2018, through December 31, 2021).<sup>1</sup> For the reasons explained below, FHWA has determined that this part of the rule is unnecessary and will rescind such provisions.

This final rule removes the requirement for State DOTs and MPOs' performance target reporting for the first performance period. This final rule also eliminates the regulatory language related to the urbanized area population threshold of over one million for the Annual Hours of Peak Hour Excessive Delay (PHED) Per Capita and the Percent of Non-SOV (single occupancy vehicle) Travel measures, as that provision applied only to the first performance period. These provisions previously allowed for a phased implementation approach to provide adequate time for State DOTs and MPOs to build capacity in managing performance for non-Interstate roadways and congestion within applicable urbanized areas of the National Highway System (NHS). The provisions allowed, for the first performance period only, for State DOTs and MPOs to be exempt from the requirement to report 2-year targets for the Interstate System pavement condition measure, the non-Interstate NHS travel time reliability measure, and the peak-hour excessive delay measure. Because the first performance period concluded on December 31, 2021, these phase-in provisions—specific to that initial period—are no longer necessary or applicable for inclusion in the regulation. Accordingly, FHWA finds good reason to eliminate these regulatory provisions.

## II. Administrative Procedure Act

Under the Administrative Procedure Act (APA), the requirement for prior notice and an opportunity for public comment does not apply when the agency, for good cause, finds that those procedure are “impracticable, unnecessary, or contrary to the public interest.” See 5 U.S.C. 553(b)(B). The FHWA finds that notice and an opportunity for public comment are

unnecessary for this rulemaking because this rulemaking removes the requirements that are no longer operative. The first performance period has passed and all States and MPOs have implemented the requirements of part 490. Therefore, FHWA finds good cause to issue this final rule without notice and an opportunity for public comment.

Furthermore, under the APA, there must be at least thirty days between publication of a substantive rule and its effective date except “as otherwise provided by the agency for good cause and published with the rule.” See 5 U.S.C. 553(d)(3). For similar reasons as above, FHWA believes that notice and comment are unnecessary because this final rule is rescinding regulatory provisions that currently are inoperative. Therefore, FHWA finds good cause to issue this final rule with immediate effectiveness.

## III. Rulemaking Analyses and Notices

### A. Executive Orders 12866 (Regulatory Planning and Review), Executive Order 13563 (Improving Regulation and Regulatory Review), and DOT Regulatory Policies and Procedures

This final rule does not meet the criteria of a “significant regulatory action” under Executive Order 12866, as amended by Executive Orders 14215 and 13563. Therefore, the Office of Management and Budget (OMB) has not reviewed this rule under those orders.

This final rule rescinds regulations that are currently inoperative. For that reason, FHWA does not believe there are any costs to this rulemaking, as opposed to the deregulatory benefit of removing unnecessary provisions from the Code of Federal Regulations.

These changes would not adversely affect, in a material way, any sector of the economy. In addition, these changes would not interfere with any action taken or planned by another agency and would not materially alter the budgetary impact of any entitlements, grants, user fees, or loan programs. Consequently, a full regulatory evaluation is not required.

### B. Executive Order 14192 (Unleashing Prosperity Through Deregulation)

This rule is not an E.O. 14192 regulatory action. This rule would not adversely affect, in a material way, any sector of the economy. In addition, these changes would not interfere with any action taken or planned by another agency and would not materially alter the budgetary impacts of any entitlements, grants, user fees, or loan

programs. Consequently, a full regulatory evaluation is not required.

### C. Regulatory Flexibility Act

Under the Regulatory Flexibility Act (RFA) (5 U.S.C. 601–612) (as amended by the Small Business Regulatory Enforcement Fairness Act of 1996; 5 U.S.C. 601 *et seq.*), agencies must prepare and make available for public comment a regulatory flexibility analysis that describes the effect of the rule on small entities (*i.e.*, small businesses, small organizations, and small government jurisdictions). No regulatory flexibility analysis is required, however, if the head of an agency or an appropriate designee certifies that the rule will not have a significant economic impact on a substantial number of small entities. FHWA has concluded and hereby certifies that this rule will not have a significant economic impact on a substantial number of small entities; therefore, an analysis is not included. This final rule will only remove regulations that are already inoperative.

### D. Unfunded Mandates Reform Act

This final rule does not impose unfunded mandates as defined by the Unfunded Mandates Reform Act of 1995 (UMRA) (Pub. L. 104–4, 109 Stat. 48) for State, local, and Tribal governments, or the private sector of \$100 million or more in any one year. Thus, the rule is not subject to the requirements of sections 202 and 205 of the UMRA.

### E. Executive Order 13132 (Federalism Assessment)

This action has been analyzed in accordance with the principles and criteria contained in E.O. 13132. The FHWA has determined that this action does not have sufficient federalism implications to warrant the preparation of a federalism assessment. The FHWA has also determined that this action does not preempt any State law or State regulation or affect the States' ability to discharge traditional State governmental functions.

### F. Paperwork Reduction Act

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520), an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information, unless the collection displays a currently valid Office of Management and Budget (OMB) control number. This final rule is deregulatory and so would not impose any additional information collection requirements.

<sup>1</sup> 23 CFR 490.105(e)(4)(i) and 490.107(b)(1)(i).

### G. National Environmental Policy Act

FHWA has analyzed this rule pursuant to the NEPA and has determined that it is categorically excluded under 23 CFR 771.117(c)(2), which applies to the promulgation of rules, regulations, and directives. Categorically excluded actions meet the criteria for categorical exclusions under 23 CFR 771.117(a) and normally do not require any further NEPA approvals by FHWA. This rule will rescind inoperative regulations referencing dates that have already passed. FHWA does not anticipate any adverse environmental impacts from this rule, and no unusual circumstances are present under 23 CFR 771.117(b).

### H. Executive Order 13175 (Tribal Consultation)

Executive Order 13175 requires Federal agencies to consult and coordinate with Tribes on a government-to-government basis on policies that have Tribal implications, including regulations, legislative comments or proposed legislation, and other policy statements or actions that have substantial direct effects on one or more Indian Tribes, on the relationship between the Federal Government and Indian Tribes, or on the distribution of power and responsibilities between the Federal Government and Indian Tribes. FHWA has assessed the impact of this final rule on Indian tribes and determined that this rule would not have tribal implications that require consultation under Executive Order 13175.

### I. Regulation Identifier Number

A RIN is assigned to each regulatory action listed in the Unified Agenda of Federal Regulations. The Regulatory Information Service Center publishes the Unified Agenda in the spring and fall of each year. The RIN contained in the heading of this document can be used to cross reference this action with the Unified Agenda.

### J. Rulemaking Summary, 5 U.S.C. 553(b)(4)

As required by 5 U.S.C. 553(b)(4), a summary of this rule can be found at [regulations.gov](https://www.regulations.gov), under the docket number.

### List of Subjects in 23 CFR Part 490

Bridges, Highway safety, Highways and roads, Reporting and recordkeeping requirements.

Issued in Washington, DC, under authority delegated in 49 CFR 1.85.

**Gloria M. Shepherd,**

*Executive Director, Federal Highway Administration.*

For the reasons stated in the preamble, FHWA amends 23 CFR part 490 as set forth below:

### PART 490—NATIONAL PERFORMANCE MANAGEMENT MEASURES

■ 1. The authority citation for part 490 continues to read as follows:

**Authority:** 23 U.S.C. 134, 135, 148(i), and 150; 49 CFR 1.85.

#### § 490.105 [Amended]

■ 2. In § 490.105:

■ a. Amend paragraph (e)(4)(iii) by removing the text “paragraphs (e)(7) and (e)(8)(v)” and adding, in its place, the text “paragraph (e)(8)(v)”;

■ b. Removing and reserving paragraphs (e)(7) and (e)(8)(i);

■ c. Amend the introductory text of paragraph (e)(8)(iii) by removing the text “paragraphs (e)(8)(i) and/or (ii)” and adding, in its place, the text “paragraph (e)(8)(ii)”;

■ d. Amend paragraph (e)(8)(iii)(D) by removing the text “1 million and 200,000 population thresholds, in paragraphs (e)(8)(i) and (ii)” in and adding, in its place, the text “200,000 population threshold in paragraph (e)(8)(ii)”;

■ e. Amend paragraphs (e)(8)(iii)(E) and (F) by removing the text “paragraphs (e)(8)(i) and (ii)” and adding, in its place, the text “paragraph (e)(8)(ii)”;

■ f. Amend paragraphs (e)(8)(iv) and (v) by removing the text “paragraphs (e)(8)(i) or (ii)” and adding, in its place, the text “paragraph (e)(8)(ii)”;

■ g. Removing and reserving paragraph (e)(8)(vi);

■ h. Amend paragraph (f)(1)(ii) by:

■ i. Removing the text “Except as provided in paragraph (f)(5)(vi) of this section, the MPOs” and adding in its place “The MPOs”; and

■ ii. Removing the text “paragraphs (f)(5)(i) and (ii) and” and adding, in its place, the text “paragraphs (f)(5)(ii) and”;

■ i. Amend paragraph (f)(1)(iii) by removing the text “paragraph (f)(5)(i), (f)(5)(ii), or (f)(6)(iii)” and adding, in its place, the text “paragraph (f)(5)(ii) or (f)(6)(iii)”

■ j. Removing and reserving paragraph (f)(5)(i);

■ k. Amend the introductory text of paragraph (f)(5)(iii) by removing the text “paragraphs (f)(5)(i) and/or (ii)” and adding, in its place, the text “paragraph (f)(5)(ii)”;

■ l. Amend paragraph (f)(5)(iii)(D) by removing text “1 million and 200,000 population thresholds, in paragraph (f)(5)(i) and (ii)” in and adding in its place “200,000 population threshold, in paragraph (f)(5)(ii)”;

■ m. Amend paragraphs (f)(5)(iii)(E) and (F) by removing the text “paragraphs (f)(5)(i) and (ii)” and adding, in its place, the text “paragraph (f)(5)(ii)”;

■ n. Amend paragraphs (f)(5)(iv) and (v) by removing the text “paragraphs (f)(5)(i) or (ii)” and adding, in its place, the text “paragraph (f)(5)(ii)”;

■ o. Removing and reserving paragraph (f)(5)(vi); and

■ p. Amend paragraph (f)(8) by removing text “measures in paragraph (f)(5)(i) or (ii)” and adding in its place “measures described in paragraph (f)(5)(ii)”.

#### § 490.109 [Amended]

■ 3. Amend § 490.109 by removing and reserving paragraph (e)(3).

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## DEPARTMENT OF TRANSPORTATION

### Federal Highway Administration

#### 23 CFR Parts 500 and 515

[Docket No. FHWA–2024–0048]

RIN 2125–AG00

### Rescinding Requirements Regarding Management and Monitoring Systems

**AGENCY:** Federal Highway Administration (FHWA), U.S. Department of Transportation (DOT).

**ACTION:** Final rule; final agency action.

**SUMMARY:** This final rule rescinds the regulations issued on December 10, 1996, and amended on February 14, 2007, Management and Monitoring, thereby removing obsolete regulations governing transportation management and monitoring systems. Further, FHWA finalizes the proposed updates to the regulations governing risk-based Asset Management Plans by determining that no further action is needed.

**DATES:** This final rule is effective May 30, 2025.

**FOR FURTHER INFORMATION CONTACT:** Ms. Tashia J. Clemons, Office of Infrastructure, (202) 493–0551, [tashia.clemons@dot.gov](mailto:tashia.clemons@dot.gov); or Mr. David Serody, Office of the Chief Counsel, (202) 366–4241, [david.serody@dot.gov](mailto:david.serody@dot.gov), Federal Highway Administration, 1200 New Jersey Avenue SE, Washington, DC 20590. Office hours are from 8 a.m. to