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 currently 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.

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 This rule will rescind regulations that rely on rescinded statutory authority. 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,* under the docket number.

List of Subjects in 23 CFR Part 500

Bridges, Grant programs—transportation, Highway traffic safety, Highways and roads, Mass transportation, Reporting and recordkeeping requirements.

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

Gloria M. Shepherd,

Executive Director, Federal Highway Administration.

PART 500—[Removed and Reserved]

■ For the reasons stated in the preamble, under the authority of Public Law 112–141, FHWA removes and reserves 23 CFR part 500.

[FR Doc. 2025–09708 Filed 5–27–25; 4:15 pm]

BILLING CODE 4910–22–P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

23 CFR Part 505

RIN 2125–AG17

Rescinding Regulations on Projects of National and Regional Significance Evaluation and Rating

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

ACTION: Final rule.

SUMMARY: This final rule rescinds the rule and regulations issued on October 24, 2008, Projects of National and Regional Significance Evaluation and Rating.

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

FOR FURTHER INFORMATION CONTACT: For questions about this final rule, please contact Mr. Brian Hogge, FHWA Office of Infrastructure, 202–366–1562, or via email at *Brian.Hogge@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.* 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* and the U.S. Government Publishing Office's website at *www.GovInfo.gov.*

I. General Discussion

Through this final rule, FHWA is rescinding the rule issued on October 24, 2008, Projects of National and Regional Significance Evaluation and Rating, via 73 FR 63362, amending 23 CFR part 505. This rule established evaluation, rating, and selection guidelines for funding proposed Projects of National and Regional Significance under the program established by section 1301 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA–LU) (Pub. L. 109–59). For the reasons explained below, FHWA has determined that 23 CFR part 505 is

unnecessary and will rescind this rule in full.

In 2005, section 1301 of SAFETEA–LU established a program to provide grants to eligible entities for projects of national and regional significance. This provision was repealed by section 1105(c) of the Fixing America's Surface Transportation (FAST) Act (Pub. L. 114–94). As the program is no longer authorized, provisions dealing with program eligibility (23 CFR 505.7), grant criteria (23 CFR 505.9), and project evaluation and rating (23 CFR 505.11) are no longer relevant. As FHWA eliminates 23 CFR part 505, other provisions applicable to previous projects (23 CFR 505.13, 505.15, and 505.17) continue to apply; however, given that the program is no longer authorized, FHWA does not believe it necessary to maintain these provisions going forward. Similarly, with the repeal of this program, FHWA believes that general provisions in 23 CFR part 505 (23 CFR 505.1, 505.3, and 505.5) are no longer needed. Accordingly, FHWA finds good reason to eliminate this regulatory part entirely.

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 rescinds regulations that administer a program that has been repealed by Congress. Consequently, these provisions have no effect on projects going forward, so repealing this rule for projects going forward has no substantive effect on the public. 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 finds that a period between this final rule being published and becoming effective is unnecessary as this rulemaking rescinds regulations that administer a program that has been repealed by Congress. These regulations are as equally inoperative at publication as they will be thirty days after publication for projects going forward. 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 projects going forward. 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.

This regulation is not an E.O. 14192 regulatory action.

B. 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 for any future projects.

C. 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.

D. Executive Order 13132 (Federalism Assessment)

The rescission is deregulatory and has little effect on States and local governments, so FHWA anticipates that this rule will not have implications for federalism. Therefore, under section 6(b) of Executive Order 13132, a federalism summary is not required.

E. 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.

F. 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 regulations administering a repealed grant program. FHWA does not anticipate any adverse environmental impacts from this rule, and no unusual circumstances are present under 23 CFR 771.117(b).

G. 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.

H. 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.

I. 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,* under the docket number.

List of Subjects in 23 CFR Part 505

Grant programs—transportation, Highways and roads, Intermodal transportation.

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

Gloria M. Shepherd,

Executive Director Federal Highway Administration.

PART 505—[REMOVED AND RESERVED]

■ For the reasons stated in the preamble, under the authority of Public Law 114–94, FHWA removes and reserves 23 CFR part 505.

[FR Doc. 2025–09714 Filed 5–27–25; 4:15 pm]

BILLING CODE 4910–22–P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

23 CFR Part 630

RIN 2125–AG25

Rescinding Preliminary Engineering Project 10-Year Repayment Provision

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

ACTION: Final rule.

SUMMARY: This final rule rescinds a portion of the regulations issued on May 10, 2001, Federal-Aid Project Agreement, which required that State Departments of Transportation (DOTs) repay FHWA Federal funds provided for preliminary engineering for a project if right-of-way acquisition for, or actual construction of, the road for which this preliminary engineering is undertaken is not started in ten years.

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

FOR FURTHER INFORMATION CONTACT: For questions about this final rule, please contact Mr. Anthony DeSimone, FHWA Office of Infrastructure, 317–226–5307, or via email at *Anthony.DeSimone@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.* 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* and the U.S. Government Publishing Office's website at *www.GovInfo.gov.*

I. General Discussion

Through this final rule, FHWA is rescinding a portion of the rule issued on May 10, 2001, Federal-Aid Project Agreement, via 66 FR 23845, amending § 630.112(c)(2) of title 23 Code of Federal Regulations (CFR). This rule amended the regulation of project agreements. Specifically for the purpose of this rescission, this rule included a provision that required repayment of preliminary engineering for which right-of-way or construction was not started by the tenth fiscal year following authorization. For the reasons explained below, FHWA has determined that this subparagraph is unnecessary and will rescind it in full.

Section 1016(a) of the Intermodal Surface Transportation Efficiency Act of 1991 amended 23 U.S.C. 102(b) to state: ''If on-site construction of, or acquisition of right-of-way for, a highway project is not commenced within 10 years after the date on which Federal funds are first made available, out of the Highway Trust Fund (other than Mass Transit Account), for preliminary engineering of such project, the State shall pay an amount equal to the amount of Federal funds made available for such engineering. The Secretary shall deposit in such Fund all amounts paid to the Secretary under this section.'' This provision was modified by section 1304 of the Transportation Equity Act for the 21st Century in 1998 to allow the Secretary of Transportation the ability to grant time extensions of this requirement. In 2001, FHWA amended its regulation on project agreement provisions, 23 CFR 635.112, to, in part, require that States accept and comply with the 10-year payback provision under 23 U.S.C. 102(b) as a condition to payment of any Federal funds obligated. 23 CFR 635.112(c)(2).

Section 11310(a) of the Infrastructure Investment and Jobs Act (Pub. L. 117–58) repealed the 10-year payback requirements formerly found in 23 U.S.C. 102(b). Accordingly, FHWA finds good reason to eliminate this regulatory provision entirely. The repeal of 23 U.S.C. 102(b) removes the statutory authority for FHWA to demand the reimbursement of preliminary engineering funds if on-site construction of, or acquisition of right-of-way for, a project is not commenced within 10 years of the date on which Federal funds were first made available for the preliminary engineering on the project. Similarly, the statutory change removes the obligation of State DOTs to repay such preliminary engineering costs in these circumstances. For these reasons, FHWA finds it unnecessary to maintain a provision that FHWA cannot enforce due to lack of statutory authority and that State DOTs have no legal obligation to follow.

The FHWA notes that the repeal of the 10-year payback provision under 23 U.S.C. 102(b) and FHWA's termination of 23 CFR 630.112(c)(2) does not change any other requirements that may allow FHWA to demand repayment of funds used for preliminary engineering. For example, FHWA notes that it may require the repayment and recovery of funds used for preliminary engineering if it finds improper or ineligible use of such funding otherwise not in compliance with Federal requirements. *See* 23 CFR 1.36. The purpose of the rescission of 23 CFR 635.112(c)(2) is only that FHWA will not use the 10-year payback rule as the basis to demand such repayment, as there is no longer statutory authority for such a requirement.

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 because the legal provisions underlying the rule are no longer operative and the regulation is unenforceable. 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, because FHWA is rescinding a legally inoperative requirement, a period of 30 days between publication and effectiveness is unnecessary. The requirements in 23 CFR 635.112(c)(2) are inoperative now and will be as