

(a) It operates a school system in the area to be served and also operates a separate and exclusive school bus program for that school system; and

(b) Private school bus operators are unable to provide adequate transportation that complies with applicable safety standards at reasonable rates.

#### **§ 605.12 Use of project equipment.**

No recipient or operator of project equipment shall engage in school bus operations using buses, facilities or equipment funded under 49 U.S.C. chapter 53. A recipient or operator may, however, use such buses, facilities and equipment for the transportation of school students, personnel and equipment in incidental charter bus operations. Such use of project equipment is subject to part 604 of this title.

#### **§ 605.13 Tripper service.**

The prohibition in § 605.12 shall not apply to tripper service.

#### **§ 605.14 Agreement.**

Except as provided in § 605.11, no assistance shall be provided under 49 U.S.C. chapter 53 unless the recipient has executed the Private Sector Protections category of the current annual Certifications and Assurances confirming that the recipient will not engage in school bus operations exclusively for the transportation of students and school personnel in competition with private school bus operators.

#### **§ 605.15 [Reserved]**

#### **§ 605.16 Notice.**

(a) Each recipient who engages or wishes to engage in school bus operations shall include a certification that it has provided written notice to all private school bus operators operating in the area to be served of its application for assistance and its proposed or existing school bus operations.

(b) The notice required by paragraph (a) of this section shall include the following information:

(1) A description of the area to be served by the recipient.

(2) An estimation of the number of each type of bus which will be employed on the proposed school bus operations, and the number of weekdays those buses will be available for school bus operations.

(3) A statement setting forth reasons the recipient feels it should be allowed to engage in school bus operations under § 605.11.

(4) A statement that private school bus operators may file written

comments on a recipient's proposed or existing school bus operations.

(c) Copies of the application for assistance and notice required by paragraph (a) shall be available for inspection during the regular business hours at the office of the recipient.

#### **§ 605.17 Certification in lieu of notice.**

If there are no private school bus operators operating in the recipient's service area, the recipient may so certify in lieu of meeting the requirements of § 605.16.

#### **§ § 605.18–605.19 [Reserved]**

#### **Subpart C—[Reserved]**

#### **Subpart D—Complaint Procedures and Remedies**

#### **§ 605.30 Filing a complaint.**

Any interested party may file a complaint with the Administrator alleging a violation of 49 U.S.C. 5323(f) or the terms of an agreement under § 605.14 (“Complaint”). A complaint must be in writing, must specify in detail the action claimed to violate the agreement, and must be accompanied by sufficient evidence to enable the Administrator to make a preliminary determination as to whether there is probable cause that a violation has taken place.

#### **§ 605.31 Notification to the respondent.**

On receipt of any complaint under § 605.30, or on the Administrator's own motion if at any time he or she shall have reason to believe that a violation may have occurred, the Administrator will provide written notification to the recipient (“Respondent”) that a violation has probably occurred. The Administrator will inform the respondent of the conduct which constitutes a probable violation of the agreement.

#### **§ 605.32 Accumulation of evidentiary material.**

The Administrator will allow the respondent not more than 30 days to show cause, by submission of evidence, why no violation occurred. A like period shall be allowed to the complainant, if any, during which the complainant may submit evidence to rebut the evidence offered by the respondent. The Administrator may undertake such further investigation, as deemed necessary, including the holding of an evidentiary hearing or hearings.

#### **§ 605.33 Adjudication.**

(a) After reviewing the results of such investigation, including hearing

transcripts, if any, and all evidence submitted by the parties, the Administrator will make a written determination as to whether the respondent has engaged in school bus operations in violation of the terms of the agreement.

(b) If the Administrator determines that there has been a violation of the agreement, the Administrator will order remedial measures as deemed appropriate.

(c) The determination by the Administrator will include an analysis and explanation of his or her findings.

#### **§ 605.34 Remedy where there has been a violation of the agreement.**

If the Administrator determines, pursuant to this subpart, that there has been a violation of the terms of the agreement or 49 U.S.C. 5323(f)(2), he or she may bar a recipient or operator from the receipt of further financial assistance for public transportation.

#### **§ 605.35 Judicial review.**

The determination of the Administrator pursuant to this subpart shall be final and conclusive on all parties, but shall be subject to judicial review pursuant to 5 U.S.C. 701–706.

#### **Subpart E—Reporting and Records**

#### **§ 605.40 Reports and information.**

The Administrator may order any recipient or operator for the recipient, to file special or separate reports setting forth information relating to any transportation service rendered by such recipient or operator, in addition to any other reports required by this part.

Issued in Washington, DC, under authority delegated in 49 CFR 1.91.

**Tariq Bokhari,**

*Acting Administrator.*

[FR Doc. 2025–12142 Filed 6–27–25; 4:15 pm]

**BILLING CODE 4910–57–P**

## **DEPARTMENT OF TRANSPORTATION**

### **Federal Transit Administration**

#### **49 CFR Part 609**

**[Docket No. FTA–2025–0005]**

**RIN 2132–AB54**

#### **Transportation for Elderly and Handicapped Persons**

**AGENCY:** Federal Transit Administration (FTA), Department of Transportation (DOT).

**ACTION:** Final rule.

**SUMMARY:** This rulemaking rescinds the FTA regulation on Transportation for

Elderly and Handicapped Persons, as FTA finds that the regulation is obsolete and unnecessary.

**DATES:** This final rule is effective on July 1, 2025.

**FOR FURTHER INFORMATION CONTACT:**

Heather Ueyama, Office of Chief Counsel, (202) 366-7374 or [heather.ueyama@dot.gov](mailto:heather.ueyama@dot.gov). Office hours are from 8:30 a.m. to 5 p.m., Monday through Friday, except Federal holidays.

**SUPPLEMENTARY INFORMATION:**

**I. Background and Discussion of the Changes**

FTA initially adopted part 609 in 1976 to establish regulatory requirements for transportation for the elderly and persons with disabilities (41 FR 18239). This regulation implemented section 5(m) of the National Mass Transportation Assistance Act of 1974 (Pub. L. 93-503). It included various requirements regarding transportation planning in urbanized areas, transportation planning in nonurbanized areas, accessible transportation facilities, and accessible vehicles.

In 1996, FTA amended Part 609 to remove most of the regulation's substantive provisions. These provisions were superseded by the Department of Transportation's regulations implementing the Americans with Disabilities Act of 1990 (49 CFR parts 37 and 38) and the joint Federal Highway Administration/FTA Statewide and Metropolitan Planning regulations (49 CFR part 613 and 23 CFR part 450). As a result of the 1996 rulemaking, the only substantive requirement remaining in part 609 was to direct recipients of FTA funding under 49 U.S.C. 5307 to certify that they will ensure a reduced fare is charged for seniors and individuals with disabilities (§ 609.23). This requirement is codified in statute at 49 U.S.C. 5307(c)(1)(D) and is self-executing. It therefore is unnecessary for FTA to codify the requirement in the Code of Federal Regulations (CFR).

Moreover, several reauthorizations have amended FTA's authorizing statute since the 1996 rulemaking, rendering much of the language in part 609 obsolete. Notably, the statute no longer uses the term "elderly and handicapped persons," which is the only defined term in the regulation's definitions section. Similarly, this renders the corresponding guidance in Appendix A regarding the term "elderly and handicapped persons" obsolete. Appendix A reproduced several Questions and Answers from FTA Circular 9060.1 (April 20, 1978), which

has since been rescinded and is longer in effect.

Given that the regulation is largely obsolete, and the reduced fare provision is the regulation's only substantive requirement, FTA finds that the regulation no longer has any utility and should be rescinded. This action will reduce regulatory burden by eliminating outdated and unnecessary provisions from the CFR.

**II. Good Cause for Dispensing With Notice and Comment and Delayed Effective Date**

Under the Administrative Procedure Act (APA) (5 U.S.C. 553(b)), an agency may waive the normal notice and comment procedure if it finds, for good cause, that it is impracticable, unnecessary, or contrary to the public interest. Additionally, 5 U.S.C. 553(d) provides that an agency may waive the 30-day delayed effective date upon finding of good cause. As noted above, the only substantive provision in part 609 sets forth the requirement for certain FTA recipients to certify that they will ensure a reduced fare is charged for seniors and individuals with disabilities. This requirement already is codified in 49 U.S.C. 5307(c)(1)(D), which is a self-effectuating statutory provision. It therefore is unnecessary for FTA to codify this provision in the CFR. Furthermore, the language in the regulation, including Appendix A, is outdated. Rescinding the regulation will have no substantive legal effect or impact on the status quo.

Accordingly, FTA finds good cause that notice and comment for this rule is unnecessary due to the nature of the revisions (*i.e.*, the rule will have no substantive impact on FTA requirements or eligibility for FTA funding). For the same reasons, FTA finds that the delayed effective date is unnecessary. Accordingly, FTA finds good cause under 5 U.S.C. 553(b)(3)(B) and (d)(3) to waive notice and opportunity for comment and the delayed effective date.

**III. Regulatory Analyses and Notices**

**A. Executive Orders 12866 and 13563 (Regulatory Review)**

E.O. 12866 ("Regulatory Planning and Review"), as supplemented by E.O. 13563 ("Improving Regulation and Regulatory Review"), directs Federal agencies to assess the benefits and costs of regulations and to select regulatory approaches that maximize net benefits when possible, and to consider economic, environmental, and distributional effects. This action does not meet the criteria of a "significant

regulatory action." Therefore, the Office of Management and Budget (OMB) has not reviewed this action.

This final rule would remove obsolete and unnecessary language from the CFR. FTA does not expect that any regulated entities will change their behavior as a result of this rule, and therefore the rule is not likely to result in any impacts to regulated entities other than removing language from the CFR. It could result in some cost savings by reducing the amount of time to become familiar with FTA's regulations. FTA assumes any realized cost savings will be de minimis. FTA does not have data to estimate the reduction in costs that will result from this final rule.

**B. Executive Order 14192 (Deregulatory Action)**

E.O. 14192 ("Unleashing Prosperity Through Deregulation") requires that for "each new [E.O. 14192 regulatory action] issued, at least ten prior regulations be identified for elimination." Implementation guidance for E.O. 14192, issued by the Office of Management and Budget (OMB) (Memorandum M-25-20, March 26, 2025), defines an E.O. 14192 deregulatory action as "an action that has been finalized and has total costs less than zero." This final rule will have total costs less than zero, and therefore is an E.O. 14192 deregulatory action.

**C. Regulatory Flexibility Act**

Pursuant to the Regulatory Flexibility Act of 1980 (5 U.S.C. 601 *et seq.*), as amended by the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104-121, 110 Stat. 857), FTA is not required to prepare a regulatory flexibility analysis under 5 U.S.C. 604(a) for this final rule because FTA is not required to issue a notice of proposed rulemaking prior to this action.

**D. Unfunded Mandates Reform Act of 1995**

FTA has determined that this rule would not impose unfunded mandates, as defined by the Unfunded Mandates Reform Act of 1995 (Pub. L. 104-4). This rule does not include a Federal mandate that may result in expenditures of \$100 million or more in any one year, adjusted for inflation, by State, local, and tribal governments in the aggregate or by the private sector.

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

E.O. 13132 ("Federalism") requires agencies to assure meaningful and timely input by State and local officials in the development of regulatory

policies that may have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. This action has been analyzed in accordance with the principles and criteria contained in E.O. 13132, and FTA determined this action will not have a substantial direct effect or sufficient federalism implications on the States. FTA also determined this action will not preempt any State law or regulation or affect the States' ability to discharge traditional State governmental functions.

*F. Executive Order 12372  
(Intergovernmental Review)*

The regulations implementing E.O. 12372 ("Intergovernmental Review of Federal Programs") regarding intergovernmental consultation on Federal programs and activities do not apply to this rulemaking.

*G. Paperwork Reduction Act*

FTA has analyzed this rule under the Paperwork Reduction Act and it does not impose additional information collection requirements for the purposes of the Act above and beyond existing information collection clearances from OMB.

*H. National Environmental Policy Act*

FTA has analyzed this rule for the purposes of the National Environmental Policy Act of 1969 (NEPA). In accordance with 42 U.S.C. 4336 and DOT NEPA Order 5610.1C, FTA has determined that this rule is categorically excluded pursuant to 23 CFR 771.118(c)(4), "[p]lanning and administrative activities that do not involve or lead directly to construction, such as: [p]romulgation of rules, regulations, and directives." This rulemaking is not anticipated to result in any environmental impacts, and there are no unusual or extraordinary circumstances present in connection with this rulemaking.

*I. Executive Order 13175 (Tribal Consultation)*

FTA has analyzed this rule under E.O. 13175 ("Consultation and Coordination with Indian Tribal Governments"), and believes that it will not have substantial direct effects on one or more Indian tribes; will not impose substantial direct compliance costs on Indian tribal governments; and will not preempt tribal laws. Therefore, a tribal summary impact statement is not required.

*J. Executive Order 13211 (Energy Effects)*

FTA has analyzed this action under E.O. 13211 ("Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use"). FTA has determined that this action is not a significant energy action under that order and is not likely to have a significant adverse effect on the supply, distribution, or use of energy. Therefore, a Statement of Energy Effects is not required.

*K. Regulation Identifier Number (RIN)*

A Regulation Identifier 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 April and October of each year. The RIN number contained in the heading of this document can be used to cross-reference this rule with the Unified Agenda.

**List of Subjects in 49 CFR Part 609**

Aged, Buses, Civil rights, Individuals with disabilities, Mass transportation.

**PART 609—[REMOVED AND RESERVED]**

■ In consideration of the foregoing, FTA removes and reserves 49 CFR part 609.

Issued in Washington, DC, under authority delegated in 49 CFR 1.91.

**Tariq Bokhari,**

*Acting Administrator.*

[FR Doc. 2025–12143 Filed 6–27–25; 4:15 pm]

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**DEPARTMENT OF TRANSPORTATION**

**Federal Transit Administration**

**49 CFR Part 611**

**[Docket No. FTA–2025–0006]**

**RIN 2132–AB55**

**Major Capital Investment Projects**

**AGENCY:** Federal Transit Administration (FTA), Department of Transportation (DOT).

**ACTION:** Final rule.

**SUMMARY:** This rulemaking revises FTA's major capital investment projects regulation to remove Appendix A, which provided outdated descriptions of the measures used for the evaluation of Capital Investment Grant (CIG) projects. This rulemaking also adopts minor conforming changes to reflect the removal of the Appendix.

**DATES:** This final rule is effective on July 1, 2025.

**FOR FURTHER INFORMATION CONTACT:**

Heather Ueyama, Office of Chief Counsel, (202) 366–7374 or [heather.ueyama@dot.gov](mailto:heather.ueyama@dot.gov). Office hours are from 8:30 a.m. to 5 p.m., Monday through Friday, except Federal holidays.

**SUPPLEMENTARY INFORMATION:**

**I. Background and Discussion of the Changes**

Section 5309 of title 49, United States Code, outlines a multi-year, multi-step process for projects to be eligible for and receive discretionary CIG funding. FTA implements the CIG project evaluation and rating process through both 49 CFR part 611 (pursuant to 49 U.S.C. 5309(g)(6)) and the CIG Policy Guidance (pursuant to 49 U.S.C. 5309(g)(5)). Notably, Appendix A to 49 CFR part 611 and the CIG Policy Guidance both include detailed descriptions of the project justification and local financial commitment measures FTA uses for the evaluation and rating of CIG projects.

In accordance with 49 U.S.C. 5309(g)(5), FTA must update the CIG Policy Guidance each time it makes significant changes to the CIG process and criteria, but not less frequently than once every two years. FTA follows notice and comment rulemaking procedures pursuant to 49 U.S.C. 5334(k) when an update to the CIG Policy Guidance imposes a "binding obligation," as defined by 49 U.S.C. 5334(k)(2). Interested parties therefore have an opportunity to comment when FTA makes such changes to CIG Policy Guidance.

As a result, FTA updates the CIG Policy Guidance much more frequently than it updates 49 CFR part 611. Most recently, FTA updated part 611 in January 2013 (78 FR 2031) and the CIG Policy Guidance in December 2024 (89 FR 102248). This quickly renders the descriptions of the evaluation measures in Appendix A out of date.

Accordingly, FTA has determined it is appropriate to remove Appendix A from the regulation. The regulation contemplates the CIG Policy Guidance, not the Appendix, will serve as the most up-to-date source of information about the evaluation measures by noting that FTA may update the measures in the future through the CIG Policy Guidance (See, e.g., 49 CFR 601.203(a)(2) and 601.205(g)). FTA and project sponsors therefore rely on the CIG Policy Guidance for the definitive description of CIG project evaluation measures. The Appendix is superfluous and contains obsolete information, which risks causing confusion for project sponsors and the public. Removing it will conform the regulation to FTA's current practice and will have no substantive