



DEPARTMENT OF TRANSPORTATION

Federal Transit Administration

Notice of Withdrawal of Guidance Circular 4704.1A

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

ACTION: Notice of withdrawal of guidance.

SUMMARY: By this notice, the Federal Transit Administration (FTA) withdraws guidance document Circular 4704.1A, Equal Employment Opportunity (EEO) Requirements and Guidelines for Federal Transit Administration Recipients.

DATES: The applicable date of this notice is **[INSERT DATE OF PUBLICATION IN THE FEDERAL REGISTER]**.

FOR FURTHER INFORMATION CONTACT: Mark Montgomery, Assistant Chief Counsel for Legislation and Regulations Office, Federal Transit Administration, phone: (202) 684-5301, or e-mail, Mark.Montgomery@dot.gov.

SUPPLEMENTARY INFORMATION:

In 2016, FTA published Circular 4704.1A, Equal Employment Opportunity (EEO) Requirements and Guidelines for Federal Transit Administration Recipients. 81 FR 67047 (Sep. 29, 2016). Circular 4704.1A consolidated and clarified Equal Employment Opportunity-related requirements from Titles VI and VII of the Civil Rights Act of 1964, Title II of the Genetic Information Nondiscrimination Act of 2008 (GINA), 49 U.S.C. Chapter 53, other Federal civil rights statutes, and the U.S. Department of Transportation (DOT) regulations in 49 CFR part 21.

FTA's predecessor agency, the Urban Mass Transportation Administration, issued Circular 4704.1—the first document requiring that recipients submit documentation of their employment practices to ensure workplace nondiscrimination—in 1988. FTA updated this circular in 2016 with Circular 4704.1A, which requires recipients with 50 or more employees to

maintain a program plan documenting their nondiscrimination efforts. Recipients with 100 or more employees that received more than \$1 million in Federal funding in the previous fiscal year must submit comprehensive EEO programs to FTA every four years. FTA maintains a public list of when recipients falling into one of these categories must submit their EEO programs. This administrative requirement predates the consolidation of Federal employment discrimination oversight under the Equal Employment Opportunity Commission (EEOC) and is now redundant due to the established authorities of the EEOC and the Department of Justice (DOJ).

The EEOC serves as the primary oversight and enforcement agency of Federal employment discrimination laws, including Title VII of the Civil Right Act of 1964, as amended by the Equal Employment Opportunity Act of 1972. DOJ holds exclusive authority to litigate EEO cases against state and local governments.

In early 2025, President Trump issued Executive Orders expressing the policy of the Administration to “alleviate unnecessary regulatory burdens placed on the American people” and “deconstruct[.]...the overbearing and burdensome administrative state.” Executive Order 14192, Unleashing Prosperity Through Deregulation, 90 FR 9065 (Jan. 31, 2025); Executive Order 14219, Ensuring Lawful Governance and Implementing the President's “Department of Government Efficiency” Deregulatory Initiative, 90 FR 10583 (Feb. 19, 2025).

In accordance with these Executive Orders, FTA evaluated its External EEO Program and the corresponding Circular 4704.1A and determined that revoking this Circular will relieve an administrative burden for recipients by terminating the requirement that recipients submit EEO documentation to FTA. The requirements included in Circular 4704.1A are redundant of existing regulations promulgated by EEOC, DOL, and DOJ, and revoking Circular 4704.1A will reduce reporting requirements for recipients. FTA hereby revokes Circular 4704.1A, including its requirements for agencies to submit EEO documentation to FTA.

This notice is strictly a revocation of FTA’s Circular 4704.1A and does not affect recipient obligations to comply with nondiscrimination requirements under Titles VI and VII of

the Civil Rights Act of 1964, Title II of the Genetic Information Nondiscrimination Act of 2008 (GINA), 49 U.S.C. Chapter 53, other Federal civil rights statutes, or the DOT regulations in 49 CFR part 21. Recipients must comply with all Federal requirements pertaining to nondiscrimination, including 49 U.S.C. 5332(b), which provides that no person may be “excluded from participating in, denied a benefit of, or discriminated against under, a project, program, or activity receiving financial assistance under this chapter because of race, color, religion, national origin, sex, disability, or age.”

Jamie D. Pfister,

Acting Executive Director.

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