



DEPARTMENT OF TRANSPORTATION

Federal Transit Administration

49 CFR Part 602

[Docket No. FTA-2025-0012]

RIN 2132-AB61

Emergency Relief Program

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

ACTION: Final rule.

SUMMARY: FTA is amending its emergency relief regulation to reduce the regulatory burden on grant recipients by extending the baseline period to establish a waiver of certain administrative requirements related to FTA's Public Transportation Emergency Relief Program.

DATES: This rule is effective [INSERT DATE 30 DAYS AFTER DATE OF PUBLICATION IN THE *FEDERAL REGISTER*].

FOR FURTHER INFORMATION CONTACT:

For program matters, contact Thomas Wilson, Office of Program Management, telephone at (202) 366-2053 or thomas.wilson@dot.gov. For legal matters, contact Richard Wong, Attorney-Advisor, FTA, telephone at 202-366-0675 or richard.wong@dot.gov. Office hours are from 8:30 a.m. to 5 p.m., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

I. Executive Summary and Statutory Authority

To reduce the burden for grant recipients, this final rule amends the Emergency Relief regulation at 49 CFR 602.15(b)(2) to establish a longer baseline time period within which grant recipients can qualify for a waiver of certain administrative requirements in order to obtain emergency relief funding. Previously, section 602.15(b)(2) established 45 days as the baseline time period for which FTA can determine whether certain FTA grant requirements, the requirements for E.O. 11988 floodplain analysis, and the labor protection requirements at 49 U.S.C. 5333(b) could be waived. As part of this action, FTA modifies section 602.15(b)(2) to extend the baseline time period to 90 days to align the regulatory text with existing practice and reduce the regulatory burden on grant recipients.

In section 20017 of The Moving Ahead for Progress in the 21st Century Act (MAP-21, Pub. L. No. 112-141) (2012), codified at 49 U.S.C. 5324, Congress authorizes FTA to establish and implement the Public Transportation Emergency Relief Program. This program allows FTA to make grants for eligible public transportation capital and operating costs in the event of a catastrophic event, such as a natural disaster, that affects a wide area, as a result of the Governor of a State declaring an emergency and the Secretary of Transportation concurring, or the President declaring a major disaster under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act, 42 U.S.C. 5170). On March 29, 2013, FTA published an interim final rule implementing this statutory requirement and request for comments (78 FR 19136). On October 7, 2014, FTA published a final rule establishing procedures governing the implementation of FTA's Public Transportation Emergency Relief Program (79 FR 60349). As stated in the March 29, 2013, interim final rule (78 FR 19140) and the October 7, 2014, final rule (79 FR 60355-56, 60357), FTA may waive these requirements as necessary and appropriate for emergency repairs, permanent repairs, and emergency operating expenses.

After administering the program for more than 10 years, FTA has determined 45 days is

an insufficient period of time to address emergencies in practice, and it has frequently extended the time period to 90 days or longer during prior emergency events. FTA modifies 49 CFR 602.15(b)(2) to align the regulatory text with existing practice and reduce the regulatory burden on grant recipients.

II. Notice of Proposed Rulemaking and Response to Comments

FTA issued a notice of proposed rulemaking (NPRM) on July 1, 2025 (90 FR 28688) proposing to amend 49 CFR 602.15(b)(2) by extending the baseline time period to 90 days within which grant recipients can qualify for a waiver of certain administration requirements in order to obtain emergency relief funding.

The public comment period for the NPRM closed on September 2, 2025. FTA received two comments in total. One comment was outside the scope of this rulemaking, and FTA does not respond to comments in this final rulemaking that were outside the scope.

FTA received one comment submission in the rulemaking docket from a public transportation trade association. The comment expressed strong support for the change and noted that the change would align with FTA's historical practice, reduce regulatory burden on grant recipients, and provide greater certainty to recipients during a disaster.

Response: FTA appreciates the commenter's support of the change, which FTA proposed for similar reasons.

Based on the foregoing and FTA's determination, FTA is adopting the amendment to section 602.15(b)(2) as proposed.

III. Regulatory Analyses and Notices

A. Executive Order (E.O.) 12866 and E.O. 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, 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 will increase the waiver period during eligible emergencies to align with current FTA practice as FTA has consistently extended the period to 90 days or longer during prior events. Although the final rule will not change existing practices for recipients, it will allow recipients greater predictability in planning for emergencies by ensuring that the regulation aligns with historical FTA practice and accordingly would have minor, unquantified cost savings.

B. E.O. 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 OMB (Memorandum M-25-20, March 25, 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 is expected to have total costs less than zero and, therefore, is considered an E.O. 14192 deregulatory action.

C. Regulatory Flexibility Act

The Regulatory Flexibility Act of 1980 (5 U.S.C. 601 *et seq.*) requires Federal agencies to assess the impact of a regulation on small entities unless the agency determines the regulation is not expected to have a significant economic impact on a substantial number of small entities. Under the Act, public-sector organizations and local governments qualify as small entities if they serve a population of less than 50,000. This final rule achieves minor unquantified cost savings by extending the baseline time period within which the FTA Administrator can waive certain administrative requirements for grant recipients. For this reason, FTA certifies this action will not have a significant economic impact on a substantial number of small entities.

D. Unfunded Mandates Reform Act of 1995

This final rule will not impose unfunded mandates as defined by the Unfunded Mandates Reform Act of 1995 (Pub. L. No. 104-4, March 22, 1995, 109 Stat. 48). 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. E.O. 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 dated August 4, 1999, and FTA determined this action would not have sufficient Federalism implications to warrant the preparation of a Federalism assessment. 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. Paperwork Reduction Act

Federal agencies must obtain approval from OMB for each collection of information they conduct, sponsor, or require through regulations. FTA has analyzed this rule under the Paperwork Reduction Act and believes it does not impose additional information collection requirements for the purposes of the Act above and beyond existing information collection clearances from OMB.

G. National Environmental Policy Act

The Department has analyzed the environmental impacts of this action pursuant to the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321 *et seq.*). FTA has determined that this rule is categorically excluded pursuant to 23 CFR 771.118(c)(4). Categorical exclusions are categories of actions that the agency has determined normally do not significantly affect the quality of the human environment and, therefore, do not require either an environmental assessment (EA) or environmental impact statement (EIS). See DOT Order 5610.1D § 9. In analyzing the applicability of a categorical exclusion, the agency must also consider whether extraordinary circumstances are present that would warrant the preparation of an EA or EIS. *Id.* § 9(b). This rulemaking, which reduces the regulatory burden on grant recipients by extending the baseline period to establish a waiver of certain administrative requirements, is categorically excluded pursuant to 23 CFR 771.118(c)(4): “[p]lanning and administrative activities not involving or leading directly to construction, such as: promulgation of rules, regulations, directives, or program guidance.” FTA does not anticipate any environmental impacts, and there are no extraordinary circumstances present in connection with this rulemaking.

H. E.O. 13175 (Tribal Consultation)

FTA has analyzed this rule under E.O. 13175 (“Consultation and Coordination with Indian Tribal Governments”) and 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.

I. E.O. 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 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.

J. Privacy Act

Anyone can 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 U.S. DOT’s complete Privacy Act Statement in the *Federal Register* published on April 11, 2000 (65 FR 19477).

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 602

Disaster assistance, Grant programs-transportation, Mass transportation, Transportation.

For the reasons stated in the preamble, FTA amends title 49, Code of Federal Regulations, part 602, as set forth below:

PART 602—EMERGENCY RELIEF

1. The authority citation for part 602 continues to read as follows:

Authority: 49 U.S.C. 5324 and 5334; 49 CFR 1.91.

2. Amend § 602.15 by revising paragraph (b)(2) to read as follows:

§ 602.15 Grant requirements.

* * * * *

(b) * * *

(2) The FTA Administrator may determine certain requirements associated with public transportation programs are inapplicable as necessary and appropriate for emergency repairs, permanent repairs, emergency protective measures and emergency operating expenses incurred within 90 days of the emergency or major disaster, or longer as determined by FTA. If the FTA Administrator determines any requirement is inapplicable, the determination shall apply to all eligible activities undertaken with funds authorized under 49 U.S.C. 5324, as well as funds authorized under 49 U.S.C. 5307 and 5311 and used for eligible emergency relief activities.

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Issued in Washington, D.C., under authority delegated in 49 CFR 1.91.

Jamie Pfister,

Acting Executive Director.

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