

Act; Davis-Bacon Act; competitive procurements; Disadvantaged Business Enterprise), must be followed for projects in which Federal funding will be sought in the future. Failure to follow any such requirements could make the project ineligible for Federal funding.

#### C. Letter of No Prejudice (LONP) Policy

A Letter of No Prejudice (LONP) is a type of pre-award authority. An LONP allows an applicant to incur project costs before the start date of an award and makes those costs allowable for subsequent reimbursement after grant award. FTA uses LONPs to grant pre-award authority for projects and activities not covered by automatic pre-award authority (see above in this notice).

As with other uses of pre-award authority, the recipient assumes all risk for the costs it incurs under an LONP. FTA's issuance of an LONP is not a guarantee FTA will make an award to the recipient. FTA is not required to reimburse the recipient for pre-award costs incurred under an LONP if FTA does not ultimately make an award to the recipient or if the award is less than the recipient expected.

Typically, LONPs are used for sponsors with projects progressing towards application for an award under the Section 5309 CIG program when those sponsors undertake activities not covered under automatic pre-award authority. FTA also may use an LONP for a formula program if a recipient will incur costs beyond the expiration of the program's authorization or outside of FTA's grant of automatic pre-award authority. Unlike automatic pre-award authority, an LONP usually will be addressed to a specific recipient and will be limited to specific kinds of costs and a specific period of time.

The conditions and requirements for pre-award authority specified in Section IV.B of this notice above apply to all LONPs. Because some project implementation activities may not be initiated before completion of the federal environmental review process, FTA will not issue an LONP for such activities until the environmental review process has been completed with a combined FEIS/ROD, ROD, FONSI, or CE determination.

#### D. FY 2025 Annual List of Certifications and Assurances

Section 5323(n) requires FTA to annually publish a list of all certifications required under Chapter 53 concurrently with the publication of this annual apportionment notice. The FY 2025 version of FTA's Certifications and Assurances is available on FTA's

website at <https://www.transit.dot.gov/funding/grants/grantee-resources/certifications-and-assurances/fy2025-annual-list-certifications>.

FTA cannot make an award or an amendment to an award unless the recipient has executed the latest version of FTA's Certifications and Assurances. FTA encourages recipients of formula funding to execute the FY 2025 Certifications and Assurances electronically in TrAMS early, to prevent delays processing their grant applications.

#### E. Civil Rights Requirements

Recipients must ensure their programs and services operate in a nondiscriminatory manner and fulfill reporting requirements to document their civil rights compliance as a condition to receiving Federal funds. Recipients must comply with the Americans with Disabilities Act (ADA) of 1990; Title VI of the Civil Rights Act of 1964 and implementing regulation at 49 CFR part 21; and the Department's Disadvantaged Business Enterprise (DBE) program regulation at 49 CFR part 26.

Recipients are encouraged to reach out to FTA when contemplating new projects, new services, or new service models for technical assistance and guidance, to support recipients in complying with Federal civil rights requirements. For more information about civil rights requirements, contact Nicholas Sun, Office of Civil Rights, at [nicholas.sun@dot.gov](mailto:nicholas.sun@dot.gov).

#### V. Guidance Disclaimer

This guidance document is not legally binding in its own right, and FTA will not rely upon it as a separate basis for affirmative enforcement actions or other administrative penalty. Conformity with this document (as distinct from existing statutes and regulations) is voluntary only, and nonconformity will not affect rights and obligations under existing statutes and regulations.

**Marcus J. Molinaro,**  
*Administrator.*

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## DEPARTMENT OF TRANSPORTATION

### Federal Transit Administration

[Docket No. FTA-2025-0101]

#### Notice of Withdrawal of Environmental Justice Guidance

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

**ACTION:** Notice of withdrawal of guidance.

**SUMMARY:** The Federal Transit Administration withdraws guidance document Circular 4703.1, Environmental Justice.

**DATES:** The withdrawal is applicable as of September 15, 2025.

**FOR FURTHER INFORMATION CONTACT:**

Diane Alexander, Federal Transit Administration, 1200 New Jersey Avenue SE, Washington, DC 20590, phone: (202) 366-3101, or email: [diane.alexander@dot.gov](mailto:diane.alexander@dot.gov).

**SUPPLEMENTARY INFORMATION:** In 2012, the FTA published Circular 4703.1, "Environmental Justice Policy Guidance for Federal Transit Administration Recipients." 77 FR 42077 (July 17, 2012). Circular 4703.1 implemented Executive Order 12898, "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations," 59 FR 7629 (February 16, 1994), and U.S. Department of Transportation (DOT) Order 5610.2(a), "Actions to Address Environmental Justice in Minority Populations and Low-Income Populations," 77 FR 27534 (May 10, 2012).

On January 21, 2025, the President issued Executive Order 14173 titled "Ending Illegal Discrimination and Restoring Merit-Based Opportunity," 90 FR 8633 (Jan. 21, 2025). Among other actions, this order revoked Executive Order 12898.

On January 29, 2025, the Secretary of Transportation issued a memorandum describing "initial steps to be taken by the U.S. Department of Transportation . . . to implement the provisions of several executive orders." Among other actions, this memorandum cancelled Departmental Order 5610.2C titled "U.S. Department of Transportation Actions to Address Environmental Justice in Minority Populations and Low-Income Populations." DOT Order 5610.2C superseded the previously issued DOT Order 5610.2B, which itself superseded DOT Order 5610.2(a).

Executive Order 12898 and DOT Order 5610.2(a) provided the legal basis for FTA Circular 4703.1. As these authorities are no longer in effect, FTA is withdrawing Circular 4703.1.

**Marcus J. Molinaro,**  
*Administrator.*

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