



The National Beat

June 18, 2026

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Feature Focus

USDOT Title VI Disparate-Impact Rescissions, BUILD America 250 Act Analysis, OMB Proposed Rule Analysis, and the BASICS Act

[USDOT Rescinds Title VI Implementing Regulations on Disparate Impact](#)

On June 11, USDOT issued a final rule rescinding portions of Title VI regulations. Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color, or national origin in any program or activity that receives federal funding. As originally written in statute, Title VI prohibits intentional discriminatory practices. USDOT's new rule cites that amendments to Title VI since 1964 have expanded the scope of Title VI regulations beyond what was originally written in statute. **As a result, the final rule rescinds Title VI regulations pertaining to disparate-impact liability and affirmative action – this does not rescind Title VI in its entirety.** The rule was grounded in the belief that Title VI has gone beyond what was originally written in statute and to better align Title VI with current executive orders and the [DOJ's 2025 rescissions to Title VI](#).

***TL;DR:** USDOT's June 11 final rule removes Title VI regulations related to disparate-impact liability and affirmative action, narrowing the law's scope to prohibit only intentional discrimination. Core MPO Title VI obligations remain in place, but key compliance requirements in FTA's existing circular lack a clear regulatory basis until FTA issues updated guidance.*

Context

Title VI was originally established in 1964 with the passing of the Civil Rights Act. It established that an individual cannot be discriminated against or denied the benefits of a program that receives federal funding based on race, color, or national origin. Over time, these regulations expanded to prohibit both intentional and unintentional discrimination, but, since 1973, Title VI has not been changed significantly. Unintentional discrimination under Title VI often is defined as disparate outcomes or legally, disparate-impact liability – the concept where a neutral policy causes unintentional discrimination or unjustified negative impacts to a group defined by factors such as race or sex.

In 2025, [Executive Order \(EO\) 14281](#) issued that “it is the policy of the [US] to eliminate the use of disparate-impact liability in all contexts to the maximum degree possible to avoid violating the Constitution, Federal civil rights laws, and the basic America ideals.” This subsequently resulted in the DOJ to rescind regulations under Title VI that encouraged the consideration of disparate-impacts or affirmative action. The DOJ rule cited two justifications:

- 1. Title VI's scope has extended beyond original statutory intent**
- 2. Rescinding disparate-impact liability regulations will better align with EOs and Supreme Court precedents**

As a result of the 2025 DOJ final rule, USDOT issued a similar final rule on June 11, 2026. The USDOT final rule issued similar legal and compliance justifications for rescinding portions of Title VI, in addition to legal and policy concerns as justification for a rulemaking:



- **Legal Concerns:** Rooted in Supreme Court precedents, multiple cases have established that Title VI is only applicable for instances of intentional discrimination and that current statute only allows regulations that help enforce the prohibition of intentional discrimination, not for additional efforts beyond that scope. Additionally, the rule cites that there is conflict between the Equal Protection Clause and disparate-impact liability – that accounting for disparate outcomes can require organizations to make considerations based on race, color, or nationality.
- **Policy Concerns:** Disparate-impact liability can have several impacts on federally funded recipients, including confusion on compliance, hindrance of hiring practices, and the use of racial-balancing that can often require legal risk. Additionally, the rule references that measuring disparate-impact liability can be based on arbitrary factors that can further cause confusion and conflict with civil rights laws.

What Changes

The final rule rescinds various paragraphs or specific text from [49 CFR 21.5](#). Overall, Title VI would remain, only specific provisions addressing disparate-impact liability are rescinded. The following amendments were made:

Section:	What Changes:	Justification
21.5(b)(2)	Removed in its entirety	Provision extended Title VI beyond its intended scope by prohibiting unintentional disparate-impact discrimination; rule conforms regulation to congressional intent.
21.5(b)(3)	Both "or effect" references deleted	The "effect" language extended liability to unintentional disparate impacts; removal conforms the site/facility selection prohibition to intentional discrimination only.
21.5(b)(7)	Removed in its entirety	Encouraged race-based classifications and preferences contrary to Equal Protection principles; language regarding remedies went beyond what the Constitution permits and could force recipients into using race preferences.
21.5(c)(1)	Affirmative action sentence removed	Sentence's "affirmative action" language caused confusion, even though its "without regard to race" framing was less legally problematic than other provisions; aligns with DOJ regulation.
21.5(c)(3)	Removed in its entirety	Extended employment discrimination prohibition beyond statutory authority; directly conflicts with 42 U.S.C. 2000d-3, which limits Title VI employment coverage to programs whose primary objective is to provide employment.

What this Means for MPOs

MPOs are most directly affected by this rule through its implications for FTA's Title VI Circular (C 4702.1B). **The final rule does not eliminate MPO obligations under Title VI, intentional discrimination remains prohibited and core compliance requirements stay in place.** However, the rule removes the regulatory basis for several MPO-specific requirements built around disparate-impact liability, creating uncertainty until FTA issues updated guidance. At a broad level, the rule's changes could potentially affect FTA recipients as follows:



- **Disparate-impact rules removed:** Agencies are no longer required to modify fares, routes, or schedules to avoid unintentional inequities
- **Affirmative action removed:** No requirement to take race-based steps to address unintentional disparities
- **Less analysis required:** Agencies are no longer required to study how fare or service changes might produce unintended inequitable outcomes
- **Public outreach continues:** Engagement requirements and advisory bodies remain in place
- **Reporting simplified:** Title VI programs now focus on intentional discrimination rather than the prevention of unintentional disparities in fare or service.

FTA recipients must continue to

- **Submit Title VI Programs to FTA** (or the State, for planning subrecipients) on a three-year cycle
- **Collect and maintain racial and ethnic data** showing the extent to which minority groups benefit from federally funded programs — this requirement survives under 49 CFR 21.9(b) and the data retains value as evidence of intentional discrimination
- **Ensure meaningful public participation opportunities for minority communities** in the transportation planning process
- **Pass through FTA funds in a nondiscriminatory manner** and monitor subrecipient compliance

What Is Now Unclear

The FTA Title VI circular (C 4702.1B) has not been updated to reflect the new rule. As a result, there is now uncertainty between the amended regulation and the existing circular. For example, the circular currently requires MPOs to conduct a disparate impact analysis as part of their Title VI Program, identifying disparate impacts by race, color, or national origin. That requirement appears to rely on regulatory language that has now been rescinded from 49 CFR 21.5.

Until FTA updates its circular or issues implementation guidance, MPOs should not assume that existing practices are prohibited. At the same time, MPOs should recognize that the basis for some current FTA Title VI requirements may be changing.

Considerations for MPOs

Until FTA updates the circular and issues implementing guidance:

- **Continue meeting existing Title VI Program submission schedules**
- **Continue collecting demographic and beneficiary data** per 49 CFR 21.9(b)
- **Flag the circular-rule conflict to their FTA regional civil rights officer if submitting a Title VI Program in the near term**
- **Monitor FTA for updated guidance** on revised compliance expectations

AMPO will continue tracking FTA's response to the rule change and engaging with members and advocacy organizations to better understand its implications. An updated assessment will be shared with members as more information becomes available.



[The BUILD America 250 Act](#)

On May 17, the House T&I Committee released the legislative text for the next surface transportation reauthorization bill. Titled the “Building Unrivaled Infrastructure and Long-term Development (BUILD) for America’s 250th Act,” the legislation would authorize approximately \$580 billion dollars with **90% (\$474 billion) provided through formula funding**. This is a key difference with the previous iteration of the surface transportation bill (IIJA) which offered nearly 24% of funding through competitive grant programs.

The legislation passed out of committee by a vote of **62-2**, meaning it now heads to the Ways and Means Committee where extensions to the HTF and its sources of revenue will be discussed. Following a successful vote in the Ways and Means Committee, the legislation will be brought to the House Rules Committee who will piece together the three surface transportation reauthorization bills passed by the House T&I Committee, [E&C Committee](#), and [Science, Space, and Technology Committee](#). Once complete, the legislation will wait for House leadership to move it to the House floor for consideration. To learn more about the BUILD America 250 Act, please refer to the following resources:

- [AMPO Analysis and Legislative Guide: BA250](#)
 - [AMPO Markup and Amendment Tracker](#)
 - [AMPO Slide Deck Summary – BA250](#)
 - [AMPO BA250 Summary Handouts](#)
 - [AMPO BA250 Webinar Recording](#)
 - [AMPO BA250 Tailorable Board Briefing Slide Deck](#)
 - [Lot Coalition BA250 One-Pager](#)
 - [AMPO Letter of Support – BA250](#)
 - [Coalition Letter of Support – BA250](#)
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[OMB Proposed Uniform Grant Regulation](#)

On May 29, the Office of Management and Budget (OMB) issued a 108-page proposed rule that would rewrite the government-wide framework for managing federal financial assistance across over thirty Federal Agencies, including USDOT. Many of the changes in the proposed rule would build on previous executive orders, agency directives, and other administrative actions from the past two years in what OMB is describing as an effort to strengthen transparency, accountability, and oversight while reducing administrative burdens. With comments due by **July 13, 2026**, please see [AMPO’s analysis of the proposed rule](#), the proposed changes, and next steps.

UPDATE: On June 17th, AMPO alongside the NACo, NLC, USCM, ICMA, NCSL, CSG, GFOA, NADO, and NARC sent a letter to OMB requesting a 45-day extension of the public comment period. Read the letter [here](#).

[BASICS Act](#)

On Feb. 9, [Rep. Kristen McDonald Rivet \(D-MI\)](#) and [Rep. Rob Bresnahan \(R-PA\)](#) introduced [HR 7437](#), the bipartisan [Bridges and Safety Infrastructure for Community Success \(BASICS\) Act](#).



The legislation would invest in bridges, deliver regional priority projects, improve road safety, enhance transparency and collaboration, and build stronger rural and urban regions.

Cumulatively, this would improve local and regional access to funding to plan, deliver, and maintain the systems that communities rely on every day.

[→ Access AMPO's Analysis of the BASICS Act here](#)

BASICS Act Update

The following representatives are now [signed on as cosponsors](#) for the **BASICS Act**, representing **bipartisan support from four states across the country**:

Cosponsors:

- Rep. Gabe Vasquez (D-NM)
- Rep. Frank Mrvan (D-IN)
- Rep. Salud Carbajal (D-CA)
- Rep. Kelly Morrison (D-MN)
- Rep. Joe Neguse (D-CO)
- Rep. Adam Smith (D-WA)
- Rep. Jay Obernolte (R-CA)
- Rep. James Baird (R-IN)
- Rep. Ken Calvert (R-CA)
- Rep. Derrick Van Orden (R-WI)
- Rep. Ryan Mackenzie (R-PA)
- Rep. David Valadao (R-CA)

Interest among congressional offices and Members of Congress has elevated in recent weeks, with additional cosponsors pending. This is likely a result of increased support from locals and MPOs, as MPO Boards and MPO statewide associations from across the country have either submitted or are in the process of submitting letters of support for the BASICS Act. As reauthorization discussions move forward, building visible support now increases the likelihood that key provisions are reflected in the next surface transportation reauthorization bill. If your MPO Board is interested in signing a letter of support, please contact AMPO's Legislative Director [Katie Economou](#).

BASICS Act Resources

[→ BASICS Act Toolkit](#)

For all things BASICS Act, refer to the LOT Coalition's BASICS Act Toolkit, which includes bill text, summaries, one pagers, action items, and supporting materials.

Resources

Brief your MPO Policy Board on how these priorities affect transportation outcomes in your region:

- [MPO Policy Board Member Letter of Support Template](#)
- [Board Resolution Template](#)
- [Updated BASICS Act PowerPoint](#)

Educate your Congressional Delegation and speak to how the provision would benefit your region:

- [MPO Education Outreach Template](#) to connect with your delegation. Using data-backed, local examples make a difference.

Work through your MPO Statewide Association:
Coordinate with MPOs statewide to share a letter in support of the BASICS Act:

One/Two Pagers

- [BASICS Act One-Pager](#)
- [BASICS Act Rural Benefits One-Pager](#)
- [Fair Share for Local Roads One-Pager](#)
- [AMPO Legislative Priorities One-Pager](#)
- [AMPO Planning Funds One-Pager](#)
- [AMPO Tailorable PL Two-Pager](#)
- [Tailorable Project Delivery & MPOs Two-Pager](#)

Visiting DC? Questions about the BASICS Act? Want to meet with your Delegation?

Please contact AMPO's Legislative Director [Katie Economou](#)



Congress

Congressional “Vibe” Check

Reauthorization. Reauthorization activity continues to accelerate as committees refine draft language that shapes the next surface transportation bill.

Where things stand:

- **House T&I.** The **BUILD America 250 Act** was passed out of committee on May 21 with a 62-2 vote following a nearly 15-hour markup that considered nearly 300 amendments. The bill authorizes approximately \$580 billion, with 90% available through formula funding, a significant shift from the IJA's heavier reliance on competitive grants.
 - **With the bill now through committee, House leadership will work to bring it to the floor, though no timeline has been set.** Industry experts have [noted](#) that the bill potentially could reach the House floor in early July.
- **Senate.** Among Senate committees, EPW is furthest along. Chair Capito (R-WV) recently [commented](#) that “I'm preferring that we can button it all up by the end of September, but realistically we may have to look at an extension, but we're not thinking that way right now,”
- **Administration.** On the Administration side, FHWA, FTA, and other USDOT operating administrations are transmitting their reauthorization proposals to the Office of Management and Budget, the final step before formal submission to Congress.
 - Officials at USDOT have recently indicated that an extension is highly likely.

A general note on timing: Given the remaining FY 2026 work, midterm elections on the horizon, and the long history of surface transportation bills missing deadlines, **an extension appears to be likely.** Even so, MPOs should operate under the assumption that reauthorization could move on time. This engagement window will not open twice, and once base text is released, shaping the bill is significantly harder via amendment.

The Buzz on Reauthorization

- [🔗 Permitting Changes in the BUILD America 250 Act:](#) The BUILD America 250 Act continues the long-standing practice of including project delivery and permitting reforms, but places particular emphasis on transit, rail, and multimodal projects through expanded use of categorical exclusions, tighter review timelines, and greater delegation of NEPA responsibilities to non-federal entities. The bill also grants transit agencies new authorities, including the ability to make categorical exclusion determinations and acquire right-of-way before completing environmental review, while codifying exemptions and streamlining measures intended to accelerate project delivery.

- [🔗 House Surface Bill Would Use Dated Highway Formulas:](#) The BUILD America 250 Act would continue using the same federal highway funding formula that has been used since 2009, extending funding distributions based on decades-old factors rather than current population, travel, and infrastructure needs. Some argue the outdated approach advantages some states and disadvantages fast-growing regions, but Congress has historically relied on formula adjustments and hold-harmless provisions rather than undertaking a comprehensive overhaul of the allocation system.
- [🔗 House Surface Bill Changes to RRIF and TIFIA:](#) The BUILD America 250 Act would make several targeted changes to the TIFIA and RRIF loan programs to support transit-oriented development, including permanent TOD eligibility, streamlined environmental reviews, and expanded eligibility for rail- and housing-related projects. However, the bill largely preserves existing financing and federal compliance requirements, meaning that while TOD projects may become easier to pursue, significant barriers to securing financing would remain.
- [🔗 Urban Institute Releases Overview of House Introduced Surface Bill and Its Impact on Transit:](#) The Urban Institute's analysis of the BUILD America 250 Act argues that the bill would shift a larger share of federal transportation funding toward highways while reducing support for transit and passenger rail, including a roughly 45 percent reduction in funding available for new transit and rail projects compared with the IJJA. By eliminating advance appropriations for programs such as CIG and intercity rail, the proposal would make future projects more dependent on annual appropriations and could place dozens of planned transit investments across the country at risk. Advocates argue that maintaining guaranteed, long-term funding for transit and rail is essential to expanding mobility options, improving affordability, and reducing reliance on automobiles.

Introduced Legislation Related to Reauthorization

Whether you want to see what marker bills could be included in the next surface transportation reauthorization or are curious about what Congress is working on, AMPO is tracking all relevant legislation that has been introduced since December 2025. Please refer to our legislation tracker to see what bills have been introduced, who introduced them, and what they would do.

[➔ 119th Weekly Congress Legislation Tracker](#)

What's Making Headlines? A number of issues on the Hill are drawing attention this week outside of reauthorization.

- [🔗 House and Senate Appropriations Update:](#) House Republicans' FY2027 transportation appropriations bill relies on nearly \$8 billion in unobligated IJJA funds to supplement new spending, but Senate appropriators have signaled resistance, making it unlikely those transfers will survive in a final agreement. At the same time, disagreements over overall spending levels have delayed Senate action and raised concerns that the appropriations process could stall and lead to another government funding showdown this fall.



- [!\[\]\(443c9fc9e5d024b2fe4fcd35d048eb03_img.jpg\) **Senate to Vote on Revised House Housing Bill:**](#) Senate leaders are preparing to bring an updated bipartisan housing affordability package to the floor that largely mirrors the House-passed bill while restoring several Senate priorities, including housing production incentives and a temporary authorization for the CDBG Disaster Recovery program. Although the measure reflects months of negotiations and retains broad bipartisan support, questions remain over whether House leaders and the White House will support the revised package.
- [!\[\]\(6bb22390ce4435b369cf23610e068eb9_img.jpg\) **House Nears Completion of all FY 2027 Appropriations Bills:**](#) House appropriators completed their FY2027 spending bills, proposing \$1.856 trillion in discretionary spending with a sharp increase for defense offset by modest cuts to non-defense programs, including a more than \$10 billion reduction in Transportation-HUD funding. However, disagreements over spending levels in the Senate and questions surrounding funding for ICE and CBP create significant uncertainty about the final shape of appropriations. In addition, House Republicans and President Trump are pursuing a separate reconciliation package with up to \$350 billion in additional defense funding, though its prospects in the Senate remain unclear.
- [!\[\]\(e956d33122da2846ef15b2c614cb889e_img.jpg\) **Data Center Contention:**](#) Rep. Brett Guthrie (R-KY) is a leading advocate for expanding AI infrastructure, but he faces growing opposition from constituents in his Kentucky district, where several counties have imposed moratoriums or rejected data center projects over concerns about electricity demand, environmental impacts, and local benefits. While supporting legislation to ensure data centers pay for their own energy infrastructure and urging investigations into possible foreign disinformation campaigns, Rep. Guthrie has emphasized that local concerns are legitimate and should be addressed rather than ignored.



Administration & Agencies

USDOT

- [!\[\]\(3b1126276ab595460f0818d2b853c7d3_img.jpg\) **FHWA to Hold Truck Parking Safety Webinar:**](#) FHWA will host a **virtual meeting on June 23, 2026, to present its draft *Truck Parking Safety and Efficiency Methodologies Handbook***, which expands on the agency’s 2022 truck parking guidance. The handbook outlines methodologies, data sources, metrics, and models to help agencies evaluate truck parking needs and make investment and policy decisions aimed at improving safety and freight efficiency.

DOC

- [!\[\]\(d691176a0c8c25c55a5ec880b4a44829_img.jpg\) **New Census Privacy Policy Could Limit Local Data Availability:**](#) The Department of Commerce (DOC) **issued an order** banning the use of statistical “noise infusion,” a longstanding privacy technique used by the Census Bureau, prompting experts to warn that detailed local and demographic data used for redistricting, research, and policymaking could become far less available or disappear altogether. Current and former Census officials say the change could force a major redesign of 2030 census data products, with some rural and neighborhood-level statistics potentially becoming unusable and raising concerns about both privacy protections and the loss of key public data.

HUD

- [🔗 HUD Submits Request for Information Regarding BABA Requirements:](#) HUD released a request for information seeking feedback on the availability of domestically produced building materials that comply with Build America, Buy America requirements, as lawmakers, labor groups, and industry advocates raise concerns that the current waiver process is delaying affordable housing projects. The department will accept public comments for 30 days as it evaluates domestic manufacturing capacity and considers ways to streamline compliance and waiver processes.




National News

- [🔗 The Institute for Progress Releases Transit Abundance Playbook:](#) A new *Transit Abundance Playbook*, featuring contributions from researchers and practitioners, outlines 15 strategies to accelerate transit project delivery and improve cost-effectiveness. The authors present the recommendations as part of a broader effort to strengthen support for building more transportation infrastructure in the United States.
- [🔗 Transportation and Gasoline Volatility Trends:](#) Persistently high oil prices caused by disruptions in the Strait of Hormuz are beginning to curb gasoline demand and could accelerate long-term shifts toward telework, e-bikes, hybrid vehicles, and other alternatives, potentially making transportation fuel demand more responsive to price increases than during previous oil shocks. While short-term reductions in driving have been modest, sustained supply disruptions and elevated prices could lead to lasting changes in travel behavior and vehicle choices, reducing future demand for gasoline even after prices stabilize.
- [🔗 Study Shows Ties between Land Use and Traffic Safety:](#) A new paper by Florida Atlantic University professor Eric Dumbaugh argues that persistent pedestrian and cyclist fatalities are driven less by roadway design and speed than by land-use patterns that concentrate commercial activity along high-speed arterials. He contends that US development practices place destinations on these roads, creating conflicts among vehicles and vulnerable users, and suggests that changing land-use decisions may be as important to improving safety as redesigning streets themselves.
- [🔗 Inconsistencies of Highway versus Transit Development:](#) Austin's voter-approved Project Connect transit system faces intense scrutiny, cost overruns, litigation, and political opposition, while TxDOT's \$4.5 billion I-35 highway expansion proceeds through the same city with no referendum, no meaningful public veto, and up to 90% federal funding. The author argues this asymmetry is not incidental but the product of a century of policy that treats highway spending as a neutral government function while subjecting transit to a higher standard that highways have never had to clear.



Notice of Funding Opportunities

-  [Consolidated Rail Infrastructure and Safety Improvements Program \(CRISI\)](#): This program provides funding for projects that improve the safety, efficiency, and reliability of intercity passenger and freight rail.
 - **Deadline:** June 22, 2026
-  [Bridge Investment Program \(BIP\)](#): BIP is a competitive, discretionary program that focuses on existing bridges to reduce the overall number of bridges in poor condition, or in fair condition at risk of falling into poor condition.
 - **Bridge Project Deadline:** June 29, 2026
-  [Rail Vehicle Replacement Program](#): Provides funding to help fund capital projects to replace rail rolling stock.
 - **Deadline:** July 6, 2026
-  [Pilot Program for Transit-Oriented Development Planning](#): The Pilot Program for TOD Planning helps support FTA's mission of improving America's communities through public transportation by providing funding to local communities to integrate land use and transportation planning with a new fixed guideway or core capacity transit capital investment.
 - **Deadline:** July 10, 2026
-  [Building Resilient Infrastructure and Communities \(BRIC\)](#): Provides federal funds to states, US territories, federally recognized tribal governments, and local governments for hazard mitigation activities by supporting the modernization of infrastructure and promoting community resilience against natural hazards.
 - **Deadline:** July 23, 2026
-  [Public Transportation on Indian Reservations \(Tribal Transit\) Competitive Program](#): Provides funds for planning, public transportation capital projects, operating costs, job access reverse commute projects, and the acquisition of public transportation service to tribes located in rural areas (those with a population under 50,000).
 - **Deadline:** August 25, 2026

 [Access AMPO's NOFO Tracker here.](#)

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