

November 3, 2025

The Honorable Sean Duffy
Secretary
United States Department of Transportation
1200 New Jersey Ave SE
Washington, DC 20590

Re: US Department of Transportation's Disadvantaged Business Enterprise Program and Disadvantaged Business Enterprise in Airport Concessions Program Implementation Modifications Interim Final Rule (Docket No. DOT-OST-2025-0897)

Dear Secretary Duffy:

The American Association of State Highway and Transportation Officials (AASHTO) appreciates the opportunity to provide input to the US Department of Transportation (USDOT) in response to the Interim Final Rule (IFR) on the Disadvantaged Business Enterprise Program (DBE) and Disadvantaged Business Enterprise in Airport Concessions Program (ACDBE) Implementation Modifications, as published in the Federal Register on October 3, 2025.

AASHTO is a nonprofit, nonpartisan association representing the state transportation departments (state DOTs) in the 50 states, the District of Columbia, and Puerto Rico, with the mission to support state DOTs in connecting America with the transportation system of today and tomorrow. AASHTO and the state DOTs have a long history of successful partnership and collaboration with USDOT and its modal administrations, and we look forward to continuing this important work together. Given the state DOTs' role as primary stewards of the federally supported state transportation program, AASHTO is pleased to provide the following input for consideration.

We appreciate USDOT's issuance of the IFR Frequently Asked Questions (FAQs), which have been helpful in clarifying certain aspects of the IFR. However, issuing the DBE Program Implementation Modifications as an Interim Final Rule, without the opportunity for public comment prior to its effective date, presents challenges for state DOTs, who are often the lead state DBE certifying agency. Not having the opportunity to provide comments before the rule takes effect limits the ability of state DOTs and other stakeholders to provide valuable input. The typical process of issuance of a Notice of Proposed Rulemaking with a sufficient public comment period, agency review of comments, consideration of revisions to the proposed rule, and response to public comments before finalization of the rule supports more seamless implementation, as well as a clearer stakeholder understanding.

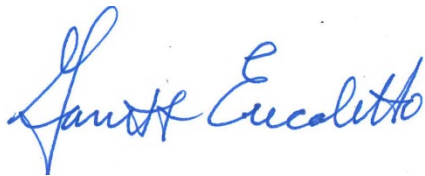
In addition, USDOT making the IFR effective immediately upon publication limits the ability of state DOTs to adequately prepare for program changes required to ensure compliance. With no transition period, state DOTs have no time to develop new DBE recertification processes, update documentation, train staff, and ensure consistent application of new processes.

State DOTs are currently reviewing the new recertification requirements to update existing programs and processes, train staff, and coordinate with contractors to ensure compliance with the new requirements. This effort will take time. Once the programs and processes are updated, DBEs will provide personal narratives to the state DOTs, detailing their social and economic disadvantage. State DOTs will then review the personal narratives and individually recertify or decertify each DBE, currently estimated at 53,500 DBEs nationally. State DOTs are working diligently to progress DBE reevaluations; however, the program shift requires a lengthy and burdensome process.

In addition to the input provided by AASHTO on the IFR, we encourage you to closely consider the feedback provided by individual state DOTs. Each state DOT is responsible for implementing the re-evaluation process and is best positioned to identify their unique issues and challenges with the program changes.

Thank you for your consideration of our comments. AASHTO looks forward to partnering closely with USDOT to progress DBE program implementation. If you have any questions, please contact Shannon Eggleston, AASHTO's Program Director for Civil Rights, Agency Administration and Active Transportation, at (202) 491-7462 or seggleston@aaashto.org.

Sincerely.



Garrett T. Eucalitto
President, American Association of State Highway Transportation Officials
Commissioner, Connecticut Department of Transportation