



**U.S. Department
of Transportation**

1200 New Jersey Ave., S.E.
Washington, DC 20590

Office of the Secretary
of Transportation

SUBJECT: Class Deviation No. 2026-23 from the Transportation Acquisition Regulation for TAR Part 1223 in Support of Executive Order 14275, Restoring Common Sense to Federal Procurement

FROM: Chrishaun Jones
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TO: Department of Transportation Chiefs of the Contracting Offices

- I. Purpose:** This memorandum approves a class deviation to the Transportation Acquisition Regulation (TAR) part 1223 for the purpose of implementing, in the TAR, Federal Acquisition Regulation (FAR) Class Deviation (CD) (No. 2026-22 and 2026-18) for FAR part 23 in support of Executive Order (E.O.) 14275, “Restoring Common Sense to Federal Procurement.”
- II. Effective Date:** Immediately.
- III. Background:** On April 15, 2025, [Executive Order \(E.O.\) 14275, Restoring Common Sense to Federal Procurement](#) was signed. Section 2 of the E.O. establishes the policy that the FAR “should only contain provisions required by statute or essential to sound procurement, and any FAR provisions that do not advance these objectives should be removed.” The Revolutionary FAR Overhaul (RFO) initiative will make the FAR more concise, understandable, and focused on core procurement requirements. This also applies to agency supplements to the FAR.

Under this initiative, the FAR is being updated to:

- Remove language that is not required by statute
- Remove duplicative or outdated language
- Clarify or provide more plain language
- Revise language for the new FAR framework
- Retain language necessary for governmentwide acquisition standards.

The RFO FAR part 23 model deviation text upon which this RFO TAR part 1223 deviation is based, establishes bedrock principles. The Department of Transportation (DOT) issued FAR CD 2026-22 for FAR part 23 on January 12, 2026, and FAR CD 2026-18 on December 9, 2025. Both documents can be accessed [here](#).

DOT also issued [TAR Class Deviation 2025-01](#), Transportation Acquisition Regulation (TAR) Class Deviation (CD) No. 2025-01 – Align the TAR with FAR Class Deviations and CAAC Letter 2025-01 Supplement 1 and CAAC Letter 2025-02 Supplement 1, on May 31, 2025.

To ensure alignment with issued E.O.s and the RFO FAR part CD, it is necessary to issue this RFO TAR CD in advance of a proposed rule to implement these requirements to ensure DOT policies and procedures align with these requirements. DOT intends on conducting further analysis and developing a rule for publication in the Federal Register for public comment after the release of this CD, and after FAR proposed and final rules are published.

IV. Summary of Changes: The following table is not an exhaustive list but includes notable updates to TAR part 1223:

Change	Description
New/Retained/Updated	General – Retained as the coverage directly implements a specific statute. Updated TAR content and headings to align with RFO FAR Part 23 • TAR part 1223— Sustainable Acquisition, Material Safety, and Pollution Prevention (New title) ○ Revised title to align with FAR. • Subpart 1223.3—Material Safety (New title) ○ Revised title to align with FAR. ○ 1223.304, Contract clauses. Revised title to align with FAR and updated prescription style and format to align with RFO guidance. • TAR clause 1252.223-70, Removal or Disposal of Hazardous Substances—Applicable Licenses and Permits. (SEP 2026)(RFO DEVIATION) – updated citations and revised/streamlined for clarity.
Removed	General – Text has been revised/deleted in the subpart/section below to remove non-statutory guidance. • Subpart 1223.70— Safety Requirements for Selected DOT Contracts ○ Removed and reserved subpart. The text subject matter and content are no longer aligned with or covered in the RFO FAR part. ○ Prescription for clauses moved to RFO TAR Part as a new stand-alone subpart. ○ 1223.7000, Contract clauses. Removed as the content under this subpart no longer applicable under TAR part 1223. ○ Clauses now prescribed under RFO TAR part 1242 updates in new TAR subpart 1242.70—Contract Safety—Postaward Administration. Moved the following clauses to TAR Part 1242 since the RFO FAR Part 1223 content changed and coverage under this part is no longer appropriate: • TAR clause 1252.223-71, Accident and Fire Reporting. Removed and reserved. • TAR clause 1252.223-72, Protection of Human Subjects. Removed and reserved.

	• TAR clause 1252.223-73, Seat Belt Use Policies and Programs. Removed and reserved.
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- V. Required Actions:** Contracting Officers shall follow the RFO TAR part 1223 deviation text, including the corresponding part 1252 deviation text, in lieu of TAR part 1223 and part 1252 as codified at 48 CFR, chapter 12. The RFO TAR deviation text is shown in the Attachment including any cognizant TAR part 1252 solicitation provisions or contract clauses prescribed in TAR part 1223.

Chiefs of the Contracting Offices (COCOs) must ensure this deviation is disseminated to the acquisition workforce and ensure compliance with the requirements in the CD.

For new solicitations, contracts or orders:

- Include applicable deviated provisions and clauses (marked **(SEP 2026)(RFO Deviation)**) as attached.
- For removed clauses 1252.223-71, 1252.223-72, and 1252.223-73, the clauses are now prescribed in TAR part 1242. See RFO TAR CD 2026-42 for TAR Part 1242 issued this same date and effective 1 October 2026.

For open solicitations:

- The contracting officer has discretion regarding the need to enforce or amend the provisions or clauses. Note that without some of the removed provisions or clauses, the contracting officer may be required to separately address certain aspects in an awarded contract.

For existing contracts and orders:

- No action required for the clause associated with this class deviation.

[TAR Class Deviation 2025-01](#), Transportation Acquisition Regulation (TAR) Class Deviation (CD) No. 2025-01 – Align the TAR with FAR Class Deviations and CAAC Letter 2025-01 Supplement 1 and CAAC Letter 2025-02 Supplement 1, on May 31, 2025, is now fully rescinded because of this CD issuance, effective September 30, 2026.

- VI. Applicability:** This CD applies to all DOT Operating Administrations (OAs), the Office of the Secretary of Transportation (OST), and the Office of the Inspector General (OIG), excluding the Federal Aviation Administration (FAA) in accordance with RFO TAR 1201.103-70(b).
- VII. Authority:** This CD is issued under the authority of RFO FAR 1.304, Class deviations; TAR 1201.404, Class deviations; and the revised citation based on this CD at RFO TAR 1201.304, for the purpose of implementing policy in the TAR to comply with requirements of certain E.O.s, statutes, and other directives in DOT FAR CD No. 2026-22 and DOT FAR CD 2026-18.

VIII. Expiration Date: This CD will remain in effect until it is incorporated into the TAR, superseded, or is otherwise rescinded, whichever occurs first.

IX. Point of Contact: Questions or comments regarding this deviation may be directed to DOTAcquisitionPolicy@dot.gov.

Attachment:

- A. RFO TAR Part 1223 & Applicable Part 1252 Deviation Text – Bold/Bracketed/Line-in Line-Out (BB-LILO)

Transportation Acquisition Regulation (TAR) Class Deviation (CD) No. 2026-23

Attachment A

RFO TAR Part 1223 and 1252 Deviation Text

TAR Text Baseline is 48 CFR chapter 12 as of June 22, 2026.

Additions are shown as **[bolded and bracketed]** and deletions are shown in strikethrough deletions. TAR Text unchanged shown as asterisks.

Part 1223—~~Environment, Energy and Water Efficiency, Renewable Energy Technologies, Occupational Safety, and Drug-Free Workplace~~[Sustainable Acquisition, Material Safety, and Pollution Prevention] (RFO Deviation)

Subpart 1223.[4]3—~~Hazardous Material Identification and Material Safety Data~~ [Material Safety]

1223.303[4] Contract clause[s].

Subpart 1223.70—~~Safety Requirements for Selected DOT Contracts~~ [[Reserved]]

1223.7000—~~Contract clauses.~~

Authority: [5 U.S.C. 301](#); [41 U.S.C. 1121\(c\)\(3\)](#); [and] [41 U.S.C. 1702](#); and ~~48 CFR 1.301 through 1.304~~.

PART 1223—~~ENVIRONMENT, ENERGY AND WATER EFFICIENCY, RENEWABLE ENERGY TECHNOLOGIES, OCCUPATIONAL SAFETY, AND DRUG-FREE WORKPLACE~~[SUSTAINABLE ACQUISITION, MATERIAL SAFETY, AND POLLUTION PREVENTION] (RFO DEVIATION)

Subpart 1223.3—~~Hazardous Material Identification and Material Safety Data~~[Material Safety]

1223.30[4]3 Contract clause[s].

~~The contracting officer shall i~~**Insert the clause at 1252.223-70, Removal or Disposal of Hazardous Substances—Applicable Licenses and Permits, in solicitations and contracts involving the removal or disposal of hazardous waste material.**

Subpart 1223.70—~~Safety Requirements for Selected DOT Contracts~~ [[Reserved]]

~~1223.7000 Contract clauses.~~

~~(a) Where all or part of a contract will be performed on Government-owned or leased property, the contracting officer shall insert the clause at 1252.223-71, Accident and Fire Reporting.~~

~~(b) For all solicitations and contracts under which human test subjects will be utilized, the contracting officer shall insert the clause at 1252.223-72, Protection of Human Subjects. Contractors can request copies of applicable Operating Administration (OA)-specific policies regarding the protection of human subjects directly from contracting officers.~~

~~(c) In all solicitations and contracts exceeding the simplified acquisition threshold, the contracting officer shall insert the clause at 1252.223-73, Seat Belt Use Policies and Programs.~~

Part 1252 – Solicitation Provisions and Contract Clauses (RFO Deviation)

Subpart 1252.2—Text of Provisions and Clauses

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1252.223-70 Removal or Disposal of Hazardous Substances—Applicable Licenses and Permits.

[(SEP 2026) (RFO Deviation)]

1252.223-71 ~~Accident and Fire Reporting.~~ [[Reserved]] [(SEP 2026) (RFO Deviation)]

1252.223-72 ~~Protection of Human Subjects.~~ [[Reserved]] [(SEP 2026) (RFO Deviation)]

1252.223-73 ~~Seat Belt Use Policies and Programs.~~ [[Reserved]] [(SEP 2026)(RFO Deviation)]

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Subpart 1252.2—Text of Provisions and Clauses

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1252.223-70 Removal or Disposal of Hazardous Substances—Applicable Licenses and Permits. [(SEP 2026) (RFO Deviation)]

As prescribed in 1223.303[4], insert the following clause:

Removal or Disposal of Hazardous Substances—Applicable Licenses and Permits. (NOV 2022[(SEP 2026)](RFO DEVIATION))

(a) The Contracting Officer may designate Government personnel to act as the Contracting Officer's Representative (COR) to perform functions under the contract such as review and/or inspection and acceptance of supplies, services, including construction, and other functions of a technical nature. The Contracting Officer will provide a written notice of such designation to the Contractor ~~within five working days after contract award or for construction, not less than five working days prior to giving the contractor the notice to proceed.~~ The designation letter will set[s] forth the authorities and limitations of the COR under the contract.

(b) The Contracting Officer cannot authorize the COR or any other representative to sign documents (*i.e.*, contracts, contract modifications, etc.) that require the signature of the Contracting Officer.

(End of clause)

1252.223-71 Accident and Fire Reporting. [[Reserved]][(SEP 2026) (RFO Deviation)]

As prescribed in 1223.7000(a), insert the following clause:

Accident and Fire Reporting (NOV 2022)

~~(a) The Contractor shall [must] report to the Contracting Officer any accident or fire occurring at the site of the work which causes —~~

~~(1) A fatality or as much as one lost workday on the part of any employee of the Contractor or subcontractor at any tier;~~

~~(2) Damage of \$1,000 or more to Government-owned or leased property, either real or personal;~~

~~(3) Damage of \$1,000 or more to Contractor or subcontractor owned or leased motor vehicles or mobile equipment; or~~

~~(4) Damage for which a contract time extension may be requested.~~

~~(b) Accident and fire reports required by [paragraph \(a\)](#) of this section shall be accomplished by the following means:~~

~~(1) Accidents or fires resulting in a death, hospitalization of five or more persons, or destruction of Government-owned or leased property (either real or personal), the total value of which is estimated at \$100,000 or more, shall be reported immediately by telephone to the Contracting Officer or his/her authorized representative and shall be confirmed in writing within 24 hours to the Contracting Officer. Such report shall state all known facts as to extent of injury and damage and as to cause of the accident or fire.~~

~~(2) Other accident and fire reports required by [paragraph \(a\)](#) of this section may be reported by the Contractor using a state, private insurance carrier, or Contractor accident report form which provides for the statement of—~~

~~(i) The extent of injury; and~~

~~(ii) The damage and cause of the accident or fire.~~

~~Such report shall be mailed or otherwise delivered to the Contracting Officer within 48 hours of the occurrence of the accident or fire.~~

~~(c) The Contractor shall assure [will ensure] compliance by subcontractors at all tiers with the requirements of this clause.~~

(End of clause)

1252.223-72 ~~Protection of Human Subjects.~~[[Reserved]](SEP 2026) (RFO Deviation)]

As prescribed in 1223.7000(b), insert the following clause:

~~Protection of Human Subjects (NOV 2022)~~

~~(a) The Contractor shall comply with [49 CFR part 11](#), DOT's regulations for the protection of human subjects participating in activities supported directly or indirectly by contracts from DOT. In addition, the Contractor shall comply with any DOT Operating Administration (OA) specific policies and procedures on the protection of human subjects.~~

~~(b) To demonstrate compliance with the subject DOT regulations and to protect human subjects, the Contractor shall ensure the following:~~

~~(1) The Contractor shall establish and maintain a committee competent to review projects and activities that involve human subjects.~~

~~(2) The committee shall be assigned responsibility to determine, for each activity planned and conducted, that —~~

~~(i) The rights and welfare of subjects are adequately protected;~~

~~(ii) The risks to subjects are outweighed by potential benefits; and~~

~~(iii) The informed consent of subjects shall be obtained by methods that are adequate and appropriate.~~

~~(3) Committee reviews shall be conducted with objectivity and in a manner to ensure the exercise of independent judgment of the members. Members shall be excluded from review of projects or activities in which they have an active role or a conflict of interests.~~

~~(4) Continuing constructive communication between the committee and the project directors must be maintained as a means of safeguarding the rights and welfare of subjects.~~

~~(5) Facilities and professional attention required for subjects who may suffer physical, psychological, or other injury as a result of participating in an activity shall be provided.~~

~~(6) The committee shall maintain records of committee review of applications and active projects, of documentation of informed consent, and of other documentation that may pertain to the selection, participation, and protection of subjects. Detailed records shall be maintained of circumstances of any review that adversely affects the rights or welfare of the individual subjects. Such materials shall be made available to DOT upon request.~~

~~(7) The retention period of such records and materials shall be as specified at FAR 4.70[5]3.~~

~~(c) Periodic reviews shall be conducted by the Contractor to assure, through appropriate administrative overview, that the practices and procedures designed for the protection of the rights and welfare of subjects are being effectively applied.~~

~~(d) If the Contractor has or maintains a relationship with a Department of Health and Human Services approved Institutional Review Board (IRB) which can appropriately review this contract in accordance with the technical requirements and any applicable OA policies and procedures that apply, that IRB will be considered acceptable for the purposes of this contract.~~

~~(End of clause)~~

1252.223-73 Seat Belt Use Policies and Programs. [[Reserved]][(SEP 2026) (RFO Deviation)]

As prescribed in 1223.7000(c), insert the following clause:

~~Seat Belt Use Policies and Programs (NOV 2022)~~

~~In accordance with Executive Order 13043, Increasing Seat Belt Use in the United States, dated April 16, 1997, the Contractor is encouraged to adopt and enforce on the job seat belt use policies and programs for its employees when operating company owned, rented, or personally owned vehicles. The National Highway Traffic Safety Administration (NHTSA) is responsible for providing leadership and guidance in support of this Presidential initiative. For information on how to implement such a program or for statistics on the potential benefits and cost savings to your company or organization, please visit the Click it or Ticket seat belt safety section of NHTSA's website at <https://www.nhtsa.gov/campaign/click-it-or-ticket> and <https://www.nhtsa.gov/risky-driving/seat-belts>.~~

~~(End of clause)~~