U.S. Department of Transportation

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

Office of the Secretary of Transportation

SUBJECT: Class Deviation No. 2026-36 from the Transportation Acquisition Regulation for TAR Part 1236 in Support of Executive Order 14275, Restoring Common Sense to Federal Procurement

FROM: Chrishaun Jones
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Date: 2026.11.02 17:57:04 -05'00'

TO: Department of Transportation Chiefs of the Contracting Offices

I. Purpose: This memorandum approves a class deviation to the Transportation Acquisition Regulation (TAR) part 1236 for the purpose of implementing, in the TAR, Federal Acquisition Regulation (FAR) Class Deviation (CD) (No. 2025-14) for FAR part 36 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- Remove duplicative or outdated language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 36 model deviation text upon which this RFO TAR part 1236 deviation is based, establishes bedrock principles. The Department of Transportation (DOT) issued FAR CD 2025-14 for FAR part 36 on August 25, 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 1236:

Change	Description
New/Retained/ Updated	General – Retained as the coverage directly implements a specific agency requirement on precautions for work at operating airports. Updated TAR content and headings to align with RFO FAR Part 36. • **Subpart 1236.1—Pre-solicitation. (New title)** o 1236.101-70, Special precautions for work at operating airports. Renumbered to align with FAR and text revised for clarity and streamlined to implement RFO FAR drafting guidelines. • **Clause TAR 1252.236-70, Special Precautions for Work at Operating Airports** (SEP 2026)(RFO DEVIATION) – updated citation and streamlined content. Made minor administrative and grammatical edits to comport with RFO FAR drafting guidance.

V. Required Actions: Contracting Officers shall follow the RFO TAR part 1236 deviation text, including the corresponding part 1252 deviation text, in lieu of TAR part 1236 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 1236.

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 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.

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. 2025-14 and as described below.

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 1236 & Applicable Part 1252 Deviation Text – Bold/Bracketed/Line-in Line-Out (BB-LILO)

Transportation Acquisition Regulation (TAR) Class Deviation (CD) No. 2026-26

Attachment A

RFO TAR Part 1236 and 1252 Deviation Text

TAR Text Baseline is 48 CFR chapter 12 as of June 26, 2026.

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

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Part 1236—Construction and Architect-Engineer Contracts (RFO Deviation)

Subpart 1236.[1—Pre-solicitation]~~5—Contract Clauses~~
1236.~~570~~**[101-70]** Special precautions for work at operating airports.

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 1236—CONSTRUCTION AND ARCHITECT-ENGINEER CONTRACTS (RFO DEVIATION)

Subpart 1236.[1—Pre-solicitation]~~5—Contract Clauses~~

1236.[101-70]~~570~~ Special precautions for work at operating airports.

~~Where any acquisition will require work at an operating airport, i~~**[I]**nsert the clause at 1252.236-70, Special Precautions for Work at Operating Airports, in solicitations and contracts **[for acquisitions requiring work at an operating airport]**.

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

Subpart 1252.2—Texts of Provisions and Clauses

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1252.236-70 Special Precautions for Work at Operating Airports. [(RFO Deviation) (SEP 2026)]

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1252.236-70 Special Precautions for Work at Operating Airports.

As prescribed in 1236.**[101-70]**~~570~~, insert the following clause:

Special Precautions for Work at Operating Airports (~~NOV 2022~~)**[SEP 2026])[(RFO DEVIATION)]**

(a) When work is to be performed at an operating airport~~,~~ the Contractor must arrange ~~its~~ work schedule**[s]** so as not to interfere with flight operations. Such operations will take precedence over construction convenience. Any operations of the Contractor that would otherwise interfere with or endanger the operations of aircraft shall be performed only at times and in the manner directed by the Contracting Officer. The Government will make every effort to reduce ~~the~~ disruption ~~of~~**[to]** the Contractor's operation**[s]**.

(b) Unless otherwise specified by local regulations, all areas in which construction operations are underway shall be marked by yellow flags during daylight hours and by red lights at other times. The red lights along the edge of the construction areas within the existing aprons shall be the electric type of not less than 100 watts intensity placed and supported as required. All other construction markings on roads

and adjacent parking lots may be either electric or battery type lights. **[Place the]** ~~These~~ lights and flags ~~shall be placed~~ to outline the construction areas ~~and the~~ **[at no greater distance than 25 feet]** ~~distance~~ between any two flags or lights ~~shall not be greater than 25 feet~~. The Contractor ~~shall~~ **[is required to]** provide adequate watch to maintain the lights in working condition at all times other than daylight hours. The hour of beginning and the hour of ending of daylight will be determined by the Contracting Officer.

(c) **[Mark]** ~~A~~**[a]**ll equipment and material in the construction areas or when moved outside the construction area ~~shall be marked~~ with airport safety flags during the day and when directed by the Contracting Officer, **[and]** with red obstruction lights at nights. All equipment operating on the apron, taxiway, runway, and intermediate areas after darkness hours shall have clearance lights in conformance with instructions from the Contracting Officer. No construction equipment ~~shall~~ **[may]** operate within 50 feet of aircraft undergoing fuel operations. Open flames are not allowed on the ramp except at times authorized by the Contracting Officer.

(d) Trucks and other motorized equipment entering the airport or construction area ~~shall~~**[may]** do so only over routes determined by the Contracting Officer. Use of runways, aprons, taxiways, or parking areas as truck or equipment routes ~~will~~**[is]** not be permitted unless specifically authorized for such use. Flag personnel shall be furnished by the Contractor at points on apron and taxiway for safe guidance of its equipment over these areas to assure right of way to aircraft. Areas and routes used during the contract must be returned to their original condition by the Contractor. The maximum speed allowed at the airport ~~shall be~~**[is]** established by airport management. Vehicles shall be operated ~~to be~~**[and]** under safe control at all times, weather and traffic conditions considered. Vehicles must be equipped with head and tail lights during the hours of darkness.

(End of clause)

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