

PART 241—UNITED STATES LOCATIONAL REQUIREMENT FOR DISPATCHING OF UNITED STATES RAIL OPERATIONS

■ 23. The authority citation for part 241 continues to read as follows:

Authority: 49 U.S.C. 20103, 20107, 21301, 21304, 21311; 28 U.S.C. 2461 note; 49 CFR 1.89.

§ 241.19 [Removed]

■ 24. Remove § 241.19.

PART 242—QUALIFICATION AND CERTIFICATION OF CONDUCTORS

■ 25. The authority citation for part 242 continues to read as follows:

Authority: 49 U.S.C. 20103, 20107, 20135, 20138, 20162, 20163, 21301, 21304, 21311; 28 U.S.C. 2461 note; and 49 CFR 1.89.

§ 242.13 [Removed]

■ 26. Remove § 242.13.

Issued in Washington, DC, under authority delegated in 49 CFR 1.89.

David A. Fink,
Administrator.

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DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

49 CFR Part 212

[Docket No. FRA–2025–0080, Notice No. 2]

RIN 2130–AD07

Administrative Updates to the Federal Railroad Administration’s State Safety Participation Regulations

AGENCY: Federal Railroad Administration (FRA), U.S. Department of Transportation (DOT).

ACTION: Final rule; technical amendment.

SUMMARY: On July 1, 2025, FRA published a final rule making miscellaneous, administrative updates to its State safety participation regulations. In that rule, FRA inadvertently removed language from the Code of Federal Regulations (CFR), which necessitates this technical amendment to effectuate FRA’s intent.

DATES: Effective April 28, 2026.

FOR FURTHER INFORMATION CONTACT: Veronica Chittim, Assistant Chief Counsel for Safety, Office of the Chief Counsel, FRA, (telephone 202–480–3410), veronica.chittim@dot.gov; or Lucinda Henriksen, Senior Advisor, Office of Railroad Safety, FRA

(telephone 202–657–2842), lucinda.henriksen@dot.gov.

SUPPLEMENTARY INFORMATION: On July 1, 2025, FRA published a final rule making miscellaneous, administrative updates to its State safety participation regulations in 49 CFR part 212. 90 FR 28130. In that rule, FRA made drafting errors in instruction numbers 7 and 19, which necessitates this technical amendment to effectuate FRA’s intent.

FRA is promulgating these amendments without advance notice or an opportunity for comment because they fall under the “good cause” exemption of the Administrative Procedure Act. 5 U.S.C. 553(b)(B). FRA finds that notice and comment are unnecessary here because these corrections are merely technical.

§ 212.201 General Qualifications of State Inspection Personnel

Instruction No. 7 in the final rule published at 90 FR 28132 revised section 212.201(d). FRA only meant to revise the introductory text of paragraph (d). However, because of an inaccurate amendatory instruction, the paragraph (d) subparagraphs were inadvertently removed from the CFR. Because FRA intended to keep the rest of paragraph (d) intact, this rule and amendment reinstates paragraphs (d)(1) through (5) as they existed before July 1, 2025.

§ 212.233 Apprentice Highway-Rail Grade Crossing Inspector

Instruction No. 19 in the final rule published at 90 FR 28134 revised section 212.233(a). However, FRA failed to identify the intended revision to the section heading in the set-out text to “Apprentice grade crossing and trespasser inspector.” Because FRA intended to revise the section heading for consistency, this rule is necessary.

List of Subjects in 49 CFR Part 212

Hazardous materials transportation, Intergovernmental relations, Investigations, Railroad safety.

The Final Rule

In consideration of the foregoing, FRA amends part 212 of chapter II, subtitle B of title 49, Code of Federal Regulations as follows:

PART 212—STATE SAFETY PARTICIPATION REGULATIONS

■ 1. The authority citation for part 212 continues to read as follows:

Authority: 49 U.S.C. 20103, 20105, 20106, and 20113, and 49 CFR 1.89.

■ 2. Amend § 212.201 by revising paragraph (d) to read as follows:

§ 212.201 General qualifications of State inspection personnel.

* * * * *

(d) Each inspector shall demonstrate:

(1) The ability to read and comprehend written materials such as training and enforcement manuals, regulations, operating and safety rules of the railroad, and similar materials;

(2) The ability to compose narrative reports of investigative findings that are clear, complete, and grammatically acceptable;

(3) The ability to record data on standard report forms with a high degree of accuracy;

(4) The ability to communicate orally; and

(5) Basic knowledge of rail transportation functions, the organization of railroad, shipper, and manufacturer companies, and standard industry rules for personal safety.

* * * * *

■ 3. Amend § 212.233 by revising the section heading to read as follows:

§ 212.233 Apprentice grade crossing and trespasser inspector.

* * * * *

Issued in Washington, DC, under authority delegated in 49 CFR 1.89.

David A. Fink,
Administrator.

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DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

49 CFR Part 213

[Docket No. FRA–2025–0116; Notice No. 2]

RIN 2130–AD49

Repealing a Track Surface Requirement

AGENCY: Federal Railroad Administration (FRA), Department of Transportation (DOT).

ACTION: Final rule.

SUMMARY: This rule repeals the runoff parameter from FRA’s track surface requirements for track Classes 1 through 5. FRA has found that other geometry requirements in FRA’s regulations already address the same safety issue.

DATES: This rule is effective May 28, 2026.

FOR FURTHER INFORMATION CONTACT: Yu-Jiang Zhang, Staff Director, Track and Structures Division, FRA, telephone: (202) 493–6460, email: yujiang.zhang@dot.gov; or Aaron Moore, Senior

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SUPPLEMENTARY INFORMATION:

I. Background

Consistent with Executive Order (E.O.) 14192, Unleashing Prosperity Through Deregulation (90 FR 9065, Feb. 6, 2025), and E.O. 14219, Ensuring Lawful Governance and Implementing the President's "Department of Government Efficiency" Deregulatory Initiative (90 FR 10583, Feb. 25, 2025), FRA is reviewing its regulatory requirements in parts 200 through 299 of title 49, Code of Federal Regulations (CFR) and repealing requirements that are outdated and redundant.

On July 1, 2025, FRA published a notice of proposed rulemaking (NPRM) that proposed to repeal the runoff parameter from 49 CFR 213.63 in FRA's track surface requirements. 90 FR 28626. During the comment period that closed on September 2, 2025, FRA received comments from the Brotherhood of Maintenance of Way Employees Division (BMWED)¹ and the International Association of Sheet Metal, Air, Rail, and Transportation Workers—Transportation Division (SMART-TD).²

In summary, BMWED supports the repeal of the runoff parameter in section 213.63(a), contingent upon the continued enforcement of overlapping and technically sufficient surface condition standards, as that runoff parameter is redundant. Conversely, SMART-TD urges FRA to withdraw this rulemaking, as SMART-TD contends that the runoff parameter is unique, necessary, and irreplaceable. FRA disagrees with SMART-TD and discusses the comments it received further in the *Section-by-Section Analysis* of this final rule. FRA finalizes the NPRM as proposed.

II. Section-by-Section Analysis

Section 213.63 Track Surface

Paragraph (a) of this section requires each track owner to maintain the surface of its track within certain parameters set forth in the table. A working group of FRA's Railroad Safety Advisory Committee (RSAC) previously considered removing the surface runoff parameter from FRA's regulations between 2019 and 2022.³ In the NPRM,

FRA proposed to repeal the runoff parameter from the existing table in paragraph (a) (*i.e.*, the first row of the table).⁴ The other parameters in FRA's regulations, including the thresholds outlined in existing paragraph (a), already capture the same track surface safety concerns.

In its comments, BMWED supports the repeal of the runoff parameter in section 213.63(a), contingent upon the continued enforcement of overlapping and technically sufficient surface condition standards. BMWED comments that runoff has become functionally redundant and is a legacy parameter no longer necessary for ensuring compliance or safety. BMWED also requests that FRA take the following actions: (1) clarify that inspectors retain the authority to cite hazardous surface conditions outside specific numeric thresholds, including updating FRA's Track Safety Standards Compliance Manual to make that statement; (2) reaffirm its commitment to the RSAC process for future technical rulemakings; and (3) conduct post-repeal monitoring to verify continued safety performance.

FRA appreciates BMWED's support of this rule and agrees that the runoff parameter under existing section 213.63(a) is redundant and unnecessary. In response to BMWED's three requests, first, FRA clarifies that this final rule does not limit an FRA inspector's ability to take enforcement action for unsafe conditions, consistent with 49 CFR part 213. FRA will continue enforcing its track safety requirements. Also, FRA expects railroad inspectors to protect a geometry condition before it reaches the limit, if they are concerned the track may degrade further prior to the next inspection.

Second, FRA appreciates BMWED's support for RSAC and agrees that RSAC may be the appropriate forum for the agency's various stakeholders to exchange information relating to the safety of rail operations. Third, FRA will continue to oversee railroads' track safety, including by conducting field inspections and automated track inspections.

In its comments, SMART-TD urges FRA to withdraw this rulemaking, as SMART-TD expects that repealing the runoff parameter will embolden railroads to accept track conditions that place crews and the public at greater risk of injury and derailment. SMART-TD argues that the runoff parameter is

unique, necessary, and irreplaceable in the rulebook. SMART-TD asserts that the runoff parameter exists for a reason—that is, to control lateral motion in track transitions: "Lateral instability increases the risk of derailment, introduces unsafe forces into locomotives and cars, and magnifies wear and tear on track components. Over time, unchecked lateral motion compounds into more rapid track degradation, creating a cycle of instability that ends in catastrophe."⁵

FRA does not agree with SMART-TD that the runoff provision is "irreplaceable," or that repealing it will reduce safety. The runoff parameter under section 213.63(a) was meant to confront situations where track is elevated because of surfacing or bridge work, not degradation or deterioration. When trains encounter this ramp, they experience a vertical pitch or bounce if the elevation occurs in too short a distance. However, FRA's experience is that railroad maintenance practices make the limit unnecessary. FRA is confident that the existing limits for surface profile detect the same unsafe conditions. Like runoff, the profile parameter covers vertical changes in the surface uniformity of the rail, the only difference being it is measured over a 62-foot distance as opposed to runoff, which is measured at a 31-foot distance.

With that said, FRA generally agrees with SMART-TD's comments about the safety risks of track surface conditions causing undesirable in-train forces and the value of locomotive engineers and conductors reporting rough track. The existing geometry limits under profile, crosslevel, and warp cover this concern, and are not modified by this rulemaking.

III. Regulatory Impact and Notices

A. Executive Order (E.O.) 12866 (Regulatory Planning and Review) and DOT Regulatory Policies and Procedures

FRA has considered the impact of this final rule under E.O. 12866 (58 FR 51735, Oct. 4, 1993), Regulatory Planning and Review, and DOT Regulatory Policies and Procedures. The Office of Information and Regulatory Affairs within the Office of Management and Budget (OMB) determined that this final rule is not a significant regulatory action under section 3(f) of E.O. 12866.

FRA analyzed the potential costs and benefits of this final rule. This final rule repeals the runoff parameter in FRA's track surface requirements, and therefore, this final rule will reduce the regulatory burden on track owners by

¹ <https://www.regulations.gov/comment/FRA-2025-0116-0002>.

² <https://www.regulations.gov/comment/FRA-2025-0116-0003>.

³ See Track Standards Working Group Update, June 27, 2022, available at <https://rsac.fra.dot.gov/meetings?id=61>; Track Standards Working Group Update, Dec. 12, 2022, available at <https://rsac.fra.dot.gov/meetings?id=62>; Approved Minutes from Dec. 12, 2022, RSAC Meeting, available at <https://rsac.fra.dot.gov/meetings?id=63>.

⁴ 90 FR 28626 (July 1, 2025).

⁵ <https://www.regulations.gov/comment/FRA-2025-0116-0003>.

eliminating the costs to measure and meet the runoff parameters currently set forth in 49 CFR 213.63(a). This rule will provide cost savings to regulated entities. In addition, this rule will provide some qualitative benefits to regulated entities and the U.S. government by eliminating an unnecessary requirement from part 213.

B. Executive Order 14192 (Unleashing Prosperity Through Deregulation)

E.O. 14192, Unleashing Prosperity Through Deregulation, requires that for “each new [E.O. 14192 regulatory action] issued, at least ten prior regulations be identified for elimination.”⁶ Implementation guidance for E.O. 14192 issued by OMB (Memorandum M–25–20, March 26, 2025) defines two different types of E.O. 14192 actions: an E.O. 14192 deregulatory action, and an E.O. 14192 regulatory action.⁷

An E.O. 14192 deregulatory action is defined as “an action that has been finalized and has total costs less than zero.” This final rule will have total costs less than zero, and therefore it will be considered an E.O. 14192 deregulatory action upon issuance of this final rule.

C. Regulatory Flexibility Act and Executive Order 13272

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), as amended by the Small Business Regulatory Fairness Act of 1996,⁸ requires Federal agencies to consider the effects of the regulatory action on small business and other small entities and to minimize any significant economic impact. Accordingly, DOT policy requires an analysis of the impact of all regulations on small entities and mandates that agencies strive to lessen any adverse effects on these businesses. The term small entities comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and government jurisdictions with populations of less than 50,000 (5 U.S.C. 601(6)).

No regulatory flexibility analysis is required, however, if the head of an Agency or an appropriate designee certifies that the rule will not have a

significant economic impact on a substantial number of small entities. By extending this regulatory relief, many regulated entities, including small entities, will experience cost savings. Consequently, FRA certifies that this final rule will not have a significant impact on a substantial number of small entities.

D. Paperwork Reduction Act

This final rule offers regulatory flexibilities, and it does not impose any new information collection requirements or modify any existing information collection requirements. Therefore, an information collection submission to OMB is not required under the Paperwork Reduction Act of 1995, 44 U.S.C. 3501, *et seq.* The existing recordkeeping and reporting requirements contained in part 213 became effective when they were approved by OMB on February 7, 2024. The OMB control number is OMB No. 2130–0010, and OMB approval expires on February 28, 2027.

E. Environmental Assessment

FRA has analyzed this rule for the purposes of the National Environmental Policy Act of 1969 (NEPA). In accordance with 42 U.S.C. 4336 and DOT NEPA Order 5610.1D, FRA has determined that this rule is categorically excluded pursuant to 23 CFR 771.116(c)(15). This rulemaking is not anticipated to result in any environmental impacts, and there are no unusual or extraordinary circumstances present in connection with this rulemaking.

F. Federalism Implications

This final rule will not have a substantial effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Thus, in accordance with E.O. 13132, Federalism (64 FR 43255, Aug. 10, 1999), preparation of a Federalism Assessment is not warranted.

G. Unfunded Mandates Reform Act of 1995

This final rule will not result in the expenditure, in the aggregate, of \$100,000,000 or more, adjusted for inflation, in any one year by State, local, or Indian Tribal governments, or the private sector. Thus, consistent with section 202 of the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4, 2 U.S.C. 1532), FRA is not required to prepare a written statement detailing the effect of such an expenditure.

H. Energy Impact

E.O. 13211 requires Federal agencies to prepare a Statement of Energy Effects for any “significant energy action.”⁹ FRA has evaluated this final rule in accordance with E.O. 13211 and determined that this final rule is not a “significant energy action” within the meaning of E.O. 13211.

I. Executive Order 13175 (Tribal Consultation)

FRA has evaluated this final rule in accordance with the principles and criteria contained in E.O. 13175, Consultation and Coordination with Indian Tribal Governments (65 FR 67249, Nov. 6, 2000). The final rule will not have a substantial direct effect on one or more Indian tribes, will not impose substantial direct compliance costs on Indian tribal governments, and will not preempt tribal laws. Therefore, the funding and consultation requirements of E.O. 13175 do not apply, and a tribal summary impact statement is not required.

J. International Trade Impact Assessment

The Trade Agreement Act of 1979 prohibits Federal agencies from engaging in any standards or related activities that create unnecessary obstacles to the foreign commerce of the United States. Legitimate domestic objectives, such as safety, are not considered unnecessary obstacles. The statute also requires consideration of international standards and, where appropriate, that they be the basis for U.S. standards. This final rule is purely domestic in nature and is not expected to affect trade opportunities for U.S. firms doing business overseas or for foreign firms doing business in the United States.

List of Subjects in 49 CFR Part 213

Penalties, Railroad safety, Reporting and recordkeeping requirements.

The Final Rule

For the reasons discussed in the preamble, FRA amends part 213 of chapter II, subtitle B of title 49, Code of Federal Regulations as follows:

PART 213—TRACK SAFETY STANDARDS

■ 1. The authority citation for part 213 continues to read as follows:

Authority: 49 U.S.C. 20102–20114 and 20142; 28 U.S.C. 2461 note; and 49 CFR 1.89.

■ 2. Revise § 213.63(a) to read as follows:

⁹ 66 FR 28355 (May 22, 2001).

⁶ Executive Office of the President, *Executive Order 14192 of January 31, 2025, Unleashing Prosperity Through Deregulation*, 90 FR 9065–9067 (Feb. 6, 2025).

⁷ Executive Office of the President, OMB, Guidance Implementing Section 3 of E.O. 14192, Titled “Unleashing Prosperity Through Deregulation,” Memorandum M–25–20, (Mar. 26, 2025).

⁸ Public Law 104–121, 110 Stat. 857 (Mar. 29, 1996).

§ 213.63 Track surface. shall maintain the surface of its track within the limits prescribed in the following table:

Track surface (inches)	Class of track				
	1	2	3	4	5
The deviation from uniform profile on either rail at the mid-ordinate of a 62-foot chord may not be more than	3	2¾	2¼	2	1¼
The deviation from zero crosslevel at any point on tangent or reverse crosslevel elevation on curves may not be more than	3	2	1¾	1¼	1
The difference in crosslevel between any two points less than 62 feet apart may not be more than * 1 2	3	2¼	2	1¾	1½
* Where determined by engineering decision prior to June 22, 1998, due to physical restrictions on spiral length and operating practices and experience, the variation in crosslevel on spirals per 31 feet may not be more than	2	1¾	1¼	1	¾

¹ Except as limited by §213.57(a), where the elevation at any point in a curve equal or exceeds 6 inches, the difference in crosslevel within 62 feet between that point and a point with greater elevation may not be more than 1½ inches.

² However, to control harmonics on Class 2 through 5 jointed track with staggered joints, the crosslevel differences shall not exceed 1¼ inches in all of six consecutive pairs of joints, as created by seven low joints. Track with joints staggered less than 10 feet apart shall not be considered as having staggered joints. Joints within the seven low joints outside of the regular joint spacing shall not be considered as joints for purposes of this footnote.

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David A. Fink,
Administrator.
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SUPPLEMENTARY INFORMATION:

I. Background

Consistent with Executive Order (E.O.) 14192, Unleashing Prosperity Through Deregulation (90 FR 9065, Feb. 6, 2025), and E.O. 14219, Ensuring Lawful Governance and Implementing the President’s “Department of Government Efficiency” Deregulatory Initiative (90 FR 10583, Feb. 25, 2025), FRA is reviewing its regulatory requirements in parts 200 through 299 of title 49, Code of Federal Regulations (CFR) and repealing requirements that are outdated and redundant.

On July 1, 2025, FRA published a notice of proposed rulemaking (NPRM) providing FRA’s reasons for exempting freight cars used for tourist, historic, excursion, educational, recreational, or private purposes (THEERP) from the general stenciling requirement applicable to restricted cars, provided such THEERP cars are not interchanged among railroads. 90 FR 28639. FRA received two comments on the NPRM. The first comment supported the proposed rule, stating that it “allow[s] for relief of paperwork burdens and would not diminish safety expectations.” The second comment opposed the proposed rule, stating that deregulation always benefits businesses and harms the American taxpayer. The comment in opposition was not specific to any aspect of the proposed rule and states an opinion only about deregulation generally. Accordingly, FRA is finalizing the rule without change for the reasons stated in the NPRM.

II. Section-by-Section Analysis

Section 215.303 Stenciling of Restricted Cars

Prior to this rule, section 215.303 required any car described in “§ 215.205(a)” of part 215 to be stenciled or marked to display certain information relevant to restricted freight cars, such as the car’s age and those components needed to indicate completely the basis for the restricted operation of the car. FRA is exempting THEERP cars from this requirement. In addition, FRA is correcting the reference to section 215.205(a), which is a typographical error, with the correct reference to section 215.203(a). For more information, please see the Section-by-Section Analysis in the NPRM, as FRA is adopting the regulatory text as originally proposed.

III. Regulatory Impact and Notices

A. Executive Order (E.O.) 12866 (Regulatory Planning and Review) and DOT Regulatory Policies and Procedures

FRA has considered the impact of this final rule under E.O. 12866 (58 FR 51735, Oct. 4, 1993), Regulatory Planning and Review, and DOT Regulatory Policies and Procedures. The Office of Information and Regulatory Affairs within Office of Management and Budget (OMB) determined that this final rule is not a significant regulatory action under section 3(f) of E.O. 12866.

FRA analyzed the potential costs and benefits of this final rule. This final rule excludes THEERP cars from being stenciled with specific information, and therefore, this final rule will impose no additional burdens on regulated entities. This final rule will provide some qualitative benefits to regulated entities,

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

49 CFR Part 215

[Docket No. FRA-2025-0118; Notice No. 2]

RIN 2130-AD54

Removing Stenciling Requirement for Freight Cars Used for Tourist, Historic, Excursion, Educational, Recreational, or Private Purposes and Not Interchanged

AGENCY: Federal Railroad Administration (FRA), Department of Transportation (DOT).

ACTION: Final rule.

SUMMARY: This rule excludes railroad freight cars used exclusively for tourist, historic, excursion, educational, recreational, or private purposes and that are not interchanged from the requirement that all restricted freight cars, including cars more than 50 years old, be stenciled with specific information.

DATES: This rule is effective May 28, 2026.

FOR FURTHER INFORMATION CONTACT: Steven Zuiderveen, Railroad Safety Specialist, Office of Railroad Safety, at email: steven.zuiderveen@dot.gov or telephone: (202) 493-6337 or Elliott