

both FRA and the railroad as well as lawyers for both parties. Similar to the discretion that the Office of the Chief Counsel has in determining whether to transmit an enforcement action or to decline to prosecute a recommended violation, the Office also has discretion to dismiss a violation, such as a technical violation where the challenged conduct does not raise a practical safety issue. Even if FRA determines not to dismiss the violation, FRA continues to have the discretion to reduce the penalty, but not below the relevant statutory minimum amount. In addition to allowing the two sides to make their cases for the relative merits of the various claims, these conferences also provide a forum for addressing current compliance problems. Smaller railroads usually prefer to handle negotiations through email or over the phone, often on a single case at a time. Once the two sides have agreed to an amount on each case, that agreement is put in writing and a payment is submitted to FRA's accounting division covering the full amount agreed on.

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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 Parts 209, 213, 217, 219, 227, 229, 230, 232, 238, 239, 240, 241, and 242

[Docket No. FRA-2025-0109; Notice No. 2]

RIN 2130-AD22

Removal of Unnecessary and Outdated Paperwork Reduction Act References

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

ACTION: Final rule.

SUMMARY: This rule removes thirteen unnecessary and outdated sections throughout FRA's regulations referencing the approval of information collection requirements by the Office of Management and Budget (OMB).

DATES: This rule is effective May 28, 2026.

FOR FURTHER INFORMATION CONTACT: Joanne Swafford, Information Collection Clearance Officer, at email: joanne.swafford@dot.gov or telephone: (757) 897-9908; or Elliott Gillooly, Attorney Adviser, at elliott.gillooly@dot.gov.

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 provisions that are outdated and unnecessary without compromising transportation safety.

On July 1, 2025, FRA published a notice of proposed rulemaking (NPRM) that identified 13 sections throughout its regulations that unnecessarily recite the approval of information collection requirements by OMB, state the assigned OMB control number associated with the entire CFR part, and list specific sections that contain information collection requirements. FRA proposed the removal of those 13 sections. 90 FR 28622.

FRA received two comments on the NPRM. The Brotherhood of Locomotive Engineers and Trainmen (BLET) commented, in part, that the rule proposed in the NPRM would "make it harder to access certain information collection forms." FRA is not making any changes to the rule in response to BLET's comment because, as explained further here, the removal of the sections noted in the Section-by-Section Analysis will not affect any substantive safety requirement nor will it reduce or hinder access to current, verifiable information that railroad employees and the public may need in order to confirm they are using the most recent forms approved for use by FRA and OMB.

BLET notes that FRA forms displaying OMB control numbers "are not meaningless forms with useless bureaucratic information." FRA agrees that its forms displaying OMB control numbers are important, and those that the railroad industry uses to comply with FRA safety regulations are necessary for compliance with those regulations and ultimately serve an essential safety function. All of FRA's safety-related forms are readily available online at: <https://railroads.dot.gov/safety-data/forms-guides-publications/forms/current-forms>.

Each form displays an OMB control number, as required by the Paperwork Reduction Act of 1995, 44 U.S.C. 3501-3520 (PRA). The best and most accurate way for railroad employees and the public to confirm that a form is approved by OMB is to reference the control number, explanatory statement,

and expiration date that are clearly displayed on each form. BLET's comments reflect a concern that verifying the accuracy and legitimacy of FRA forms would be more difficult if the sections of the CFR stating OMB control numbers are deleted. Specifically, BLET believes railroaders would then be required to navigate multiple Government websites that they rarely use, instead of simply referring to the CFR. However, FRA finds this concern misplaced. The forms that railroad employees need to access, including the relevant OMB control numbers, are readily available on a single website maintained by FRA and provided above (and all forms that railroad employees encounter in the field also display current OMB control numbers). Removing the 13 sections identified merely reduces the volume of regulatory text in the CFR and removes outdated cross-references related to the PRA without impacting any substantive safety regulation.

In addition, an individual commenter stated that FRA did not explain what specific safety obligations are "being eliminated" or what risk assessment supports their removal, and that the rule lacks a clear technical or safety rationale. The commenter also stated that "the broad sweep of this deregulatory action undercuts transparency and accountability in rulemaking." In response, FRA reiterates that this rule does not eliminate any safety obligations, and there is no risk to safety associated with the removal of these unnecessary and outdated sections of the CFR. While this cleanup of FRA's regulations does span 13 CFR parts, it is narrowly focused on extraneous provisions, as FRA explained in the NPRM.

II. Section-by-Section Analysis

Please refer to the Section-by-Section Analysis in the NPRM,¹ as FRA has adopted the rule text as proposed and for the reasons provided in the NPRM.

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. OMB's Office of Information and Regulatory Affairs determined that this final rule is not a significant regulatory action under section 3(f) of E.O. 12866.

¹ 90 FR 28622 (July 1, 2025).

FRA analyzed the potential costs and benefits of this final rule. Regulated entities will benefit because removing each of the 13 sections that list OMB control numbers will eliminate potential confusion. The lists of cross-referenced sections that are associated with each OMB control number are outdated and unnecessary, making their removal the most practical solution to eliminate inaccuracies. In addition, removing these sections will reduce the amount of CFR text that regulated entities must read. The Government will also benefit from a reduced cost of publishing the CFR since the removed sections collectively add pages to the CFR.

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.”² Implementation guidance for E.O. 14192 issued by OMB (Memorandum M–25–20, Mar. 26, 2025) defines two different types of E.O. 14192 actions: an E.O. 14192 deregulatory action, and an E.O. 14192 regulatory action.³

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 is expected to have total costs less than zero; therefore, it is considered an E.O. 14192 deregulatory action.

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 Enforcement Fairness Act of 1996,⁴ and E.O. 13272 (67 FR 53461, Aug. 16, 2002) require 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 and not-for-profit organizations that are independently

owned and operated and are not dominant in their fields, and governmental 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. This final rule removes outdated and unnecessary regulatory sections without adding any regulatory burden or costs for any entity. Consequently, FRA certifies that this final rule will not have a significant economic impact on a substantial number of small entities.

D. Paperwork Reduction Act

This final rule contains no new information collection requirements, nor does it alter the burden associated with any existing information collection requirements under the PRA.

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.”⁵ 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

49 CFR Part 209

Administrative practice and procedure, Hazardous materials transportation, Penalties, Railroad safety, Reporting and recordkeeping requirements.

49 CFR Part 213

Penalties, Railroad safety, Reporting and recordkeeping requirements.

49 CFR Part 217

Penalties, Railroad safety, Reporting and recordkeeping requirements.

49 CFR Part 219

Alcohol abuse, Drug abuse, Drug testing, Penalties, Railroad safety,

⁵ 66 FR 28355 (May 22, 2001).

² Executive Office of the President, *Executive Order 14192 of January 31, 2025, Unleashing Prosperity Through Deregulation*, 90 FR 9065–9067 (Feb. 6, 2025).

³ Executive Office of the President, Office of Management and Budget, *Guidance Implementing Section 3 of Executive Order 14192, Titled “Unleashing Prosperity Through Deregulation,”* Memorandum M–25–20 (Mar. 26, 2025).

⁴ Public Law 104–121, 110 Stat. 857 (Mar. 29, 1996).

Reporting and recordkeeping requirements, Safety, Transportation.

49 CFR Part 227

Hazardous materials transportation, Locomotive noise control, Occupational safety and health, Penalties, Railroad employees, Railroad safety, Reporting and recordkeeping requirements.

49 CFR Part 229

Locomotives, Railroad safety, Remote control locomotives.

49 CFR Part 230

Penalties, Railroad safety, Reporting and recordkeeping requirements, Steam locomotives.

49 CFR Part 232

Power brakes, Railroad safety, Securement, Two-way end-of-train devices.

49 CFR Part 238

Fire prevention, Passenger equipment, Penalties, Railroad safety, Reporting and recordkeeping requirements.

49 CFR Part 239

Passenger train emergency preparedness, Penalties, Railroad safety, Reporting and recordkeeping requirements.

49 CFR Part 240

Administrative practice and procedure, Locomotive engineer, Penalties, Railroad employees, Railroad operating procedures, Railroad safety, Reporting and recordkeeping requirements.

49 CFR Part 241

Communications, Penalties, Railroad safety, Reporting and recordkeeping requirements.

49 CFR Part 242

Administrative practice and procedure, Conductor, Penalties, Railroad employees, Railroad operating procedures, Railroad safety, Reporting and recordkeeping requirements.

The Final Rule

For the reasons discussed in the preamble, FRA amends parts 209, 213, 217, 219, 227, 229, 230, 232, 238, 239, 240, 241, and 242 of chapter II, subtitle B of title 49, Code of Federal Regulations as follows:

PART 209—RAILROAD SAFETY ENFORCEMENT PROCEDURES

- 1. The authority citation for part 209 continues to read as follows:

Authority: 49 U.S.C. 5123, 5124, 20103, 20107, 20111, 20112, 20114; 28 U.S.C. 2461 note; and 49 CFR 1.89.

§ 209.337 [Removed]

- 2. Remove § 209.337.

PART 213—TRACK SAFETY STANDARDS

- 3. 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.

§ 213.19 [Removed]

- 4. Remove § 213.19.

PART 217—RAILROAD OPERATING RULES

- 5. The authority citation for part 217 is revised to read as follows:

Authority: 49 U.S.C. 20103, 20107, 20168, 28 U.S.C. 2461 note; and 49 CFR 1.89.

§ 217.13 [Removed]

- 6. Remove § 217.13.

PART 219—CONTROL OF ALCOHOL AND DRUG USE

- 7. The authority citation for part 219 continues to read as follows:

Authority: 49 U.S.C. 20103, 20107, 20140, 21301, 21304, 21311; 28 U.S.C. 2461 note; Div. A, Sec. 412, Pub. L. 110–432, 122 Stat. 4889 (49 U.S.C. 20140 note); Sec. 8102, Pub. L. 115–271, 132 Stat. 3894; and 49 CFR 1.89.

§ 219.21 [Removed]

- 8. Remove § 219.21.

PART 227—OCCUPATIONAL SAFETY AND HEALTH IN THE LOCOMOTIVE CAB

- 9. The authority citation for part 227 continues to read as follows:

Authority: 49 U.S.C. 20103, 20103 note, 20166, 20701–20703, 21301, 21302, 21304; 28 U.S.C. 2461 note; and 49 CFR 1.89.

§ 227.15 [Removed]

- 10. Remove § 227.15.

PART 229—RAILROAD LOCOMOTIVE SAFETY STANDARDS

- 11. The authority citation for part 229 continues to read as follows:

Authority: 49 U.S.C. 20103, 20107, 20133, 20137–38, 20143, 20168, 20701–03, 21301–02, 21304; 28 U.S.C. 2461 note; and 49 CFR 1.89.

§ 229.4 [Removed]

- 12. Remove § 229.4.

PART 230—STEAM LOCOMOTIVE INSPECTION AND MAINTENANCE STANDARDS

- 13. The authority citation for part 230 continues to read as follows:

Authority: 49 U.S.C. 20103, 20107, 20702; 28 U.S.C. 2461 note; and 49 CFR 1.89.

§ 230.9 [Removed]

- 14. Remove § 230.9.

PART 232—BRAKE SYSTEM SAFETY STANDARDS FOR FREIGHT AND OTHER NON-PASSENGER TRAINS AND EQUIPMENT; END-OF-TRAIN DEVICES

- 15. The authority citation for part 232 is revised to read as follows:

Authority: 49 U.S.C. 20102–20103, 20107, 20133, 20141, 20301–20303, 20306, 21301–20302, 21304; 28 U.S.C. 2461 note; and 49 CFR 1.89.

§ 232.21 [Removed]

- 16. Remove § 232.21.

PART 238—PASSENGER EQUIPMENT SAFETY STANDARDS

- 17. The authority citation for part 238 continues to read as follows:

Authority: 49 U.S.C. 20103, 20107, 20133, 20141, 20302–20303, 20306, 20701–20702, 21301–21302, 21304; 28 U.S.C. 2461 note; and 49 CFR 1.89.

§ 238.23 [Removed]

- 18. Remove § 238.23.

PART 239—PASSENGER TRAIN EMERGENCY PREPAREDNESS

- 19. The authority citation for part 239 continues to read as follows:

Authority: 49 U.S.C. 20102–20103, 20105–20114, 20133, 21301, 21304, and 21311; 28 U.S.C. 2461 note; and 49 CFR 1.89.

§ 239.15 [Removed]

- 20. Remove § 239.15.

PART 240—QUALIFICATION AND CERTIFICATION OF LOCOMOTIVE ENGINEERS

- 21. The authority citation for part 240 continues to read as follows:

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

§ 240.13 [Removed]

- 22. Remove § 240.13.

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.

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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