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 222

Administrative practice and procedure, Locomotives, Railroad safety, Train horn.

The Final Rule

For the reasons discussed in the preamble, FRA amends part 222 of chapter II, subtitle B of title 49, Code of Federal Regulations as follows:

PART 222—USE OF LOCOMOTIVE HORNS AT PUBLIC HIGHWAY–RAIL GRADE CROSSINGS

■ 1. The authority citation for part 222 continues to read as follows:

Authority: 49 U.S.C. 20103, 20107, 20153, 21301, 21304; 28 U.S.C. 2461 note; and 49 CFR 1.89.

■ 2. Amend § 222.9 by revising the definition of ''non-traversable curb'' to read as follows:

§ 222.9 Definitions.

* * * * *

Non-traversable curb means a highway curb designed to discourage a motor vehicle from leaving the roadway. Non-traversable curbs are used at locations where highway speeds do not exceed 45 miles per hour and are at least six inches high. Additional design specifications are determined by the standard traffic design specifications used by the governmental entity constructing the curb.

* * * * *

■ 3. Revise appendix A to part 222 under the heading ''A. Requirements and Effectiveness Rates for Supplementary Safety Measures'' and subheading ''3. Gates With Medians or Channelization Devices'' by adding after paragraph g, the text ''*Recommended:*'' and new paragraph a, to read as follows:

Appendix A to Part 222—Approved Supplementary Safety Measures

A. Requirements and Effectiveness Rates for Supplementary Safety Measures

* * * * *

3. Gates With Medians or Channelization Devices: * * *

* * * * *

Recommended:

a. The use of non-traversable curbs at speeds up to 45 mph should incorporate appropriate engineering controls such as those recommended by organizations such as the American Association of State Highway and Transportation Officials.

* * * * *

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

David A. Fink,

Administrator.

[FR Doc. 2026–08258 Filed 4–27–26; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

49 CFR Part 225

[Docket No. FRA–2025–0122; Notice No. 2]

RIN 2130–AD57

Allowing for the Electronic Posting of Reportable Injuries and Occupational Illnesses

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

ACTION: Final rule.

SUMMARY: This rule allows railroads to satisfy the requirement to post a listing of all injuries and occupational illnesses at an establishment electronically. This rule also removes the requirement that these postings be signed by the preparer of the listing.

DATES: This rule is effective May 28, 2026.

FOR FURTHER INFORMATION CONTACT: Michael Wissman, Railroad Safety Specialist, Part 225, FRA, telephone: 610–314–5729, email: *michael.wissman@dot.gov;* or Michael C. Spinnicchia, Attorney Adviser, FRA, telephone: 202–713–7671, email: *michael.spinnicchia@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 49 CFR parts 200 through 299 and updating requirements that are outdated.

On July 1, 2025, FRA published a notice of proposed rulemaking (NPRM) that proposed allowing railroads to satisfy the requirement to post a listing of all injuries and occupational illnesses at an establishment through electronic means. The NPRM also proposed removing some requirements of what must be included in these listings.[1]

FRA received four comments. The Association of American Railroads (AAR) and the American Short Line and Regional Railroad Association (ASLRRA) (collectively, ''the associations'') submitted a joint comment in support of the NPRM. AAR and ASLRRA contended that allowing railroads to post their injuries and occupational illnesses electronically uses technological innovation to advance safety and efficiency while reducing costs for railroads. The Brotherhood of Locomotive Engineers and Trainmen (BLET), the International Association of Sheet Metal, Air, Rail, and Transportation Workers—Transportation Division (SMART–TD), and the Transportation Trades Department, AFL–CIO (TTD) (collectively, ''the labor organizations'') each submitted a comment opposing the NPRM. The labor organizations asserted that allowing electronic posting in lieu of paper posting will have an adverse safety impact as it will reduce the number of important conversations that occur due to the physical posting of workplace injuries and illnesses. The labor organizations also questioned whether it is a burden for railroads to post this information physically.

After considering comments, FRA is proceeding to revise part 225 to allow railroads to post the information required under 49 CFR 225.25(h) electronically in lieu of paper posting and to remove the requirement that these postings be signed by the preparer. However, in consideration of BLET's comment, explained in more detail below, FRA has decided to retain the requirement that these postings include the annual average number of railroad employees reporting to an establishment.

For more information, please review the Discussion of Comments and FRA's Responses and the Section-by-Section Analysis, below.

II. Discussion of Comments and FRA's Responses

A. Comment Supporting the NPRM

In their joint comment, AAR and ASLRRA stated that allowing the electronic posting of injuries and

[1] 90 FR 28648 (July 1, 2025).

occupational illnesses is preferable for various reasons.[2] First, electronic posting allows railroads to provide the same information that is currently provided through paper posting except in a portable format that is searchable and can be accessed at any time by employees. This use of technology gives railroads greater flexibility while also promoting safety and efficiency through technology, as some railroads have developed a single portal that employees can use to access injury and occupational illness data, along with other types of safety-related information, such as rule books, manuals, and guides.

The associations also support the reduction of costs that would result from electronic posting. Specifically, the associations noted that the rule would lower costs associated with purchasing and maintaining printers and supplying the printers with paper and ink. In addition, the associations mentioned that several railroads have submitted waivers requesting permission to use electronic posting in lieu of paper posting. This amendment to part 225 would eliminate the need for railroads to submit such waiver petitions approximately every five years, which would eliminate costs for both the railroads and for FRA in processing waiver petitions.

Lastly, the associations pointed to the success of the current waivers that have been in place for several years. For example, BNSF Railway Company noted its employees ran at least 655 reports in 2024, and the railroad has not received any negative feedback or complaints about its paperless injury log process. This suggests that employees are actively engaged in accessing this information electronically.

FRA's Response

The joint comment from the associations largely corroborates FRA's rationale for proposing this change. By allowing railroads to post injury and illness data electronically, FRA is permitting technological advances that allow railroads to operate more efficiently without having an adverse impact on safety. As the associations noted, electronic posting of injury and illness data is beneficial to railroad safety as it provides railroad employees with greater access to this data. This rule also eliminates the unnecessary costs associated with the antiquated requirement that this data be physically posted at work establishments.

[2] FRA–2025–0122–0005.

B. Comments Opposing the NPRM

BLET, SMART–TD, and TTD all submitted comments opposing this NPRM. TTD also endorsed the comments submitted by BLET and SMART–TD. These comments contained various arguments in opposition to the NPRM.

1. Employee Access to Injury and Illness Data

One of the labor organizations' primary concerns is that allowing railroads to post injury and illness data electronically may make this information less accessible to railroad employees. BLET stated it can be time-consuming for employees to navigate railroads' complex computer systems.[3] Further, BLET asserted that this problem is exacerbated by Precision Scheduled Railroading, as employees are often under pressure from their managers to start their assigned duties immediately, and thus, they may not have time to view this information electronically. BLET also suggested that this proposed change would not improve safety and could lead to railroads concealing important information from their employees.

SMART–TD's comment similarly asserted that the proposed rule would have a negative safety impact that degraded safety culture because it could lead to railroad employees not having reliable access to information about the hazards where they work.[4] This may inhibit the ability of employees to learn from past accidents and prevent future accidents. SMART–TD also alleged that supervisors and employees have unequal access to the data, contending that supervisors have higher system access and greater familiarity with company technology than employees. SMART–TD encouraged FRA to consult with employee representatives on ways to make this safety information more readily available and to ensure it is being discussed in job briefings.

TTD argued that requiring physical posting of injury and illness data provides necessary transparency to workers of their railroad's safety culture.[5] Because employees may work in different places within a yard or facility, the physical posting allows them to be informed of safety issues affecting various crafts, locations, or shifts. TTD also noted that employees may work multiple shifts without having the time or ability to access this injury data electronically, which means they could be unaware of existing safety concerns.

FRA's Response

Though FRA agrees that employee access to injury and illness data is important to railroad safety, FRA disagrees with the contention that allowing electronic posting to fulfill the requirement in 49 CFR 225.25(h) would limit employees' access to this information. TTD noted that railroad employees may work in different places within a yard or facility that inhibit their ability to view the posting electronically for multiple shifts. However, employees could also work multiple shifts without passing the physical posting. Thus, FRA fails to see how electronic posting would be harmful to safety. To the contrary, electronic posting provides employees with greater access to this information, as they can access injury and illness data at any time. Therefore, even if an employee does not have time to view the railroad portal during their workday, they will still have access to this information. Further, since the electronic dissemination of information is faster than physically posting such information, railroads will be better equipped to ensure the injury and illness data they are posting is accurate and up to date. This should enhance railroad safety, as it will allow employees to obtain reliable information more efficiently.

FRA is also unpersuaded by the labor organizations' contention that railroad computer systems are too complex and time-consuming for employees to navigate. Computers have been omnipresent in society for decades, and most railroad employees should have the requisite computer skills to access this injury and illness data upon receiving the instructions or training that the railroad is required to provide under section 225.25(h)(4)(i) of this final rule. For those employees who lack the requisite skills to find this information on their own, section 225.25(h)(4)(iii) requires supervisors to show an employee these postings upon request, thus ensuring employee access to this information. Therefore, even if supervisors have ''higher system access'' and ''greater familiarity with company technology,'' as SMART–TD alleges, this final rule requires railroads to ensure that all employees have access to this data.

BLET expressed concerns that adopting this final rule could lead to railroads concealing important information from their employees, but it did not provide a rationale for this concern. This final rule simply allows

[3] FRA–2025–0122–0002.

[4] FRA–2025–0122–0004.

[5] FRA–2025–0122–0003.

railroads to disseminate information in a manner that is more consistent with 21st century technological advances. Any efforts by a railroad to conceal information that it is required to post would be in violation of part 225.

Finally, in response to SMART–TD's comment that FRA should work with employee representatives on ways to make this safety information more available to railroad employees, FRA welcomes these interactions and is always interested in learning how to make the U.S. rail system safer. FRA believes that this final rule promotes rail safety by making injury and illness data more easily accessible to employees, who can review this data anywhere, at any time, as opposed to being able to view this information only at a single location within a work establishment.

2. Injury and Illness Data Promoting Important Safety Conversations Among Employees

All three labor organization comments referenced how physical postings encourage conversations among employees that promote a safer work environment. SMART–TD described these physical postings as a ''critical learning tool'' that leads to the sharing of best practices and safety hazards. Both BLET and SMART–TD argued that checking for injury and illness data electronically would not facilitate these spontaneous conversations that promote a strong safety culture and peer-to-peer accountability.

FRA's Response

FRA supports in-person conversations regarding accidents at a work establishment and agrees that such conversations are beneficial to worker safety. However, the suggestion that physical postings promote more conversations than electronic postings is not supported. None of the comments provided any data or evidence in support of this argument.

FRA notes that these conversations cannot occur without employee knowledge and awareness of these accidents. Therefore, accessibility to this information is vital to ensuring these conversations take place. FRA contends that permitting railroads to post this data electronically will increase access to this information by allowing employees to access it from various locations at any time. Electronic posting also allows employees to review employee injury data at other establishments, which provides greater awareness of on-the-job safety hazards, and can prompt additional conversations.

3. Cost Savings for Railroads

The labor organizations questioned whether the proposed rule would reduce costs for railroads. BLET asserted that posting injury data in a physical location is not a burden for railroads. SMART–TD referred to the physical posting requirement as a ''simple act of placing a sheet of paper on a crew room wall'' and that any ''miniscule cost savings'' would be outweighed by losses to worker safety. TTD noted that other Federal agencies require employers to post physical notices regarding employee rights and employer responsibilities. For example, as TTD explained, the Occupational Health and Safety Administration (OSHA) requires private employers engaged in commerce to post a physical copy of a job safety poster in their establishments. OSHA also requires many employers to post its Form 300A in a visible location, so employees are aware of injuries and illnesses that have occurred in the workplace. TTD suggested the posting of this information is important, especially for dangerous occupations such as railroading.

FRA's Response

As AAR and ASLRRA noted in their joint comment, this rule will reduce costs with respect to printing while also eliminating the need for railroads to request a waiver. These waiver petitions require time and effort on the part of the railroad submitting the petition, as well as FRA in its review of these petitions. Thus, FRA finds that this final rule will result in some cost savings.

With respect to TTD's contention that other Federal agencies still require some employers to post certain information regarding employee rights and employer responsibilities physically, FRA is not bound by other agencies' requirements. Also, the examples of physical posting TTD cited have material differences from the posting requirements in 49 CFR 225.25(h). Most notably, unlike the posting requirement in section 225.25(h), these examples do not require monthly updates on the part of the employer. The OSHA Form 300A is an annual form, so any burden associated with posting this form in a physical location only occurs once a year,[6] and posting the OSHA job safety poster is a one-time burden.[7] Therefore, maintaining the physical posting requirement in section 225.25(h) would be considerably more burdensome than the examples TTD provided.

[6] 29 CFR 1904.32.

[7] 29 CFR 1903.2.

4. FRA's Reliance on Its Waiver Experience

SMART–TD raised concerns with FRA's statement in the NPRM that the agency was unaware of any issues caused from granting waivers allowing certain Class I railroads to use electronic posting in lieu of paper posting. SMART–TD asserted that railroads are not going to volunteer information to their regulator about how waivers led to workplace injuries or fatalities. The comment also cited specific examples in support, such as CSX Transportation Inc. (CSX) not complying with its waiver conditions; requirements that SMART–TD described as ''very basic'' to meet. SMART–TD also mentioned that since the Union Pacific Railroad Company (UP) received a waiver allowing it to post injury and illness data electronically, it was found to have tampered with FRA's safety culture assessment and contends that UP unjustly punished an employee who reported an injury. In addition, UP is currently seeking a ''high-stakes merger'' which will allegedly further disincentivize the railroad from reporting to FRA any safety issues that have arisen from this waiver voluntarily.

FRA's Response

Regardless of whether railroads are likely to report safety issues that result from these waivers voluntarily, railroad employees, or the labor organizations that represent them, are not prevented from reporting any such issues. However, SMART–TD's comment provides no examples of situations where a waiver allowing electronic posting has resulted in a workplace injury or has been otherwise harmful to safety. Regarding SMART–TD's comment about the CSX waiver, the non-compliance was identified at only certain CSX establishments and CSX corrected the issue upon notification of the non-compliance.

FRA acknowledges that railroads may not report problems with electronic posting or their own non-compliance with the regulation (just as railroads may not report problems with physical postings or their own non-compliance with the existing regulation). The agency will continue to perform inspections of railroads' electronic posting systems, and if they do not meet the requirements of this final rule, FRA will take appropriate action. Based on the available evidence, FRA finds that there have been no reported instances where waivers allowing railroads to post injury and illness data electronically, in lieu of paper posting, reduced railroad

safety. If new information comes to light which suggests that allowing railroads to meet the requirements in section 225.25(h) through electronic posting reduces railroad safety, FRA may reconsider this issue.

5. Requirement That Postings Include the Average Annual Number of Employees Reporting to the Establishment

BLET disagreed with FRA's proposal in the NPRM to remove the requirement that railroads include the annual average number of railroad employees reporting to the establishment in the posting requirement under section 225.25(h). Specifically, BLET noted that this data is helpful in allowing employees to determine the frequency of accidents at their establishment and to compare this data with accident data at other establishments. For example, if 100 employees work at a particular location where there had been multiple injuries in the past 30 days, whereas another location with a similar number of employees had only had one injury during the same time period, that would give workers a better understanding of the safety conditions at their work establishment.

FRA's Response

FRA found BLET's argument compelling for why it should keep the requirement that the annual average number of railroad employees at an establishment be included in these postings. As BLET asserted in its comment, this information provides railroad employees with important context for the safety conditions where they work, including the ability to compare injury statistics at locations with similar numbers of employees. FRA did not receive any comments in support of removing this requirement. Therefore, FRA has determined to keep this requirement in the final rule.

III. Section-by-Section Analysis

Section 225.25 Recordkeeping

Except as otherwise noted below, FRA has adopted the rule text as proposed, and readers may refer to the NPRM's Section-by-Section Analysis for discussion of FRA's rationale for the revisions. FRA will revise the FRA Guide for Preparing Accident/Incident Reports in accordance with the changes to part 225 finalized in this rulemaking.

In the NPRM, FRA proposed eliminating the requirement that the postings required by paragraph (h) of this section include the annual average number of railroad employees reporting to the establishment. However, because FRA has decided to keep this requirement, FRA inserted the language as paragraph (h)(3)(ii). Proposed paragraphs (h)(3)(ii) through (xiii) in the NPRM have been renumbered in this final rule as paragraphs (h)(3)(iii) through (xiv), respectively.

IV. 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. Railroads will avoid costs associated with physically printing, posting, and signing documents, including the time and expense required to do so. Employees will benefit from more convenient access to safety information. Those railroads currently submitting waiver petitions to post information electronically will avoid the costs of submitting waiver petitions, including the time and expense required to do so. The government will avoid the costs of processing and reviewing waiver requests, including the time and expense required to do so.

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.'' [8] 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.[9]

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 Enforcement Fairness Act of 1996,[10] requires Federal agencies to consider the effects of the regulatory action on small businesses 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. The regulatory relief provided by this rule will result in cost savings for many regulated entities, including small entities. However, the impact to small entities is not expected to be significant. 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 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. 3501–3520). The existing recordkeeping and reporting requirements already contained in part 225 were approved by OMB on December 5, 2023, and the information collection requirements thereby became effective when they were approved by OMB. The OMB approval number is OMB No. 2130–0500, and OMB approval expires on December 31, 2026.

E. Environmental Assessment

FRA has analyzed this rule for the purposes of the National Environmental Policy Act of 1969 (NEPA). In

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

[9] Executive Office of the President, OMB, Guidance Implementing Section 3 of Executive Order 14192, Titled ''Unleashing Prosperity Through Deregulation,'' Memorandum M–25–20, (Mar. 26, 2025).

[10] Public Law 104–121, 110 Stat. 857 (Mar. 29, 1996).

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.'' [11] 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.

[11] 66 FR 28355 (May 22, 2001).

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 225

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

The Final Rule

For the reasons discussed in the preamble, FRA amends part 225 of chapter II, subtitle B of title 49, Code of Federal Regulations as follows:

PART 225—RAILROAD ACCIDENTS/INCIDENTS: REPORTS CLASSIFICATION AND INVESTIGATIONS

■ 1. The authority citation for part 225 continues to read as follows:

Authority: 49 U.S.C. 103, 322(a), 20103, 20107, 20901–20902, 21301, 21302, 21311; 28 U.S.C. 2461 note; and 49 CFR 1.89.

■ 2. Revise § 225.25(h) to read as follows:

§ 225.25 Recordkeeping.

* * * * *

(h) Except as provided in paragraph (h)(2) of this section, a listing of all injuries and occupational illnesses reported to FRA as having occurred at an establishment shall be posted in a conspicuous location at that establishment, within 30 days after the expiration of the month during which the injuries and illnesses occurred, if the establishment has been in continual operation for a minimum of 90 calendar days. If the establishment has not been in continual operation for a minimum of 90 calendar days, the listing of all injuries and occupational illnesses reported to FRA as having occurred at the establishment shall be posted, within 30 days after the expiration of the month during which the injuries and illnesses occurred, in a conspicuous location at the next higher organizational level establishment, such as one of the following: an operating division headquarters; a major classification yard or terminal headquarters; a major equipment maintenance or repair installation, *e.g.,* a locomotive or rail car repair or construction facility; a railroad signal and maintenance-of-way division headquarters; or a central location where track or signal maintenance employees are assigned as a headquarters or receive work assignments. These examples include facilities that are generally major facilities of a permanent nature where the railroad generally posts or disseminates company informational notices and policies, *e.g.,* the policy statement in the internal control plan required by § 225.33 concerning harassment and intimidation. At a minimum, ''establishment'' posting is required and shall include locations where a railroad reasonably expects its employees to report during a 12-month period and to have the opportunity to observe the posted list containing any reportable injuries or illnesses they have suffered during the applicable period.

(1) This listing shall be posted and shall remain continuously displayed for the next 12 consecutive months. Incidents reported for employees at that establishment shall be displayed in date sequence.

(2) Railroads do not have to post information on an occupational injury or illness that is a privacy concern case.

(3) The listing shall contain all of the following information:

(i) Name and address of the establishment.

(ii) Annual average number of railroad employees reporting to the establishment.

(iii) Calendar year of the cases being displayed.

(iv) Incident number used to report case.

(v) Date of the injury or illness.

(vi) Location of incident.

(vii) Regular job title of employee injured or ill.

(viii) Description of the injury or condition.

(ix) Number of days employee was absent from work at time of posting.

(x) Number of days of work restriction for employee at time of posting.

(xi) If the employee died, include the date of death.

(xii) The preparer's name, title, and telephone number (including the area code).

(xiii) The date the record was completed.

(xiv) When there are no reportable injuries or occupational illnesses associated with an establishment for a month, the listing shall reference this fact.

(4) A railroad may maintain the posting required under this paragraph (h) in electronic format if:

(i) Employees are provided instructions or training on how properly to access the electronic posting;

(ii) There is a device at the facility which employees may use to access the posting or employees are issued a device that can access the posting; and

(iii) Supervisors at the establishment can show the posting to employees or an FRA representative upon request.

* * * * *

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

David A. Fink,

Administrator.

[FR Doc. 2026–08255 Filed 4–27–26; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

49 CFR Part 237

[Docket No. FRA–2025–0129; Notice No. 2]

RIN 2130–AD28

Repealing Certain Bridge Load Capacity Evaluation Requirements

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

ACTION: Final rule.

SUMMARY: This rule eliminates the Federal requirement that defines the process a track owner must follow when scheduling the evaluation of bridges with no load capacity determination. The requirement was intended as a transitional measure to phase in compliance after the bridge safety regulations became effective and is no longer necessary because the regulations have been in effect for almost 15 years and the transitional period for compliance has ended.

DATES: This rule is effective May 28, 2026.

FOR FURTHER INFORMATION CONTACT: Yu-Jiang Zhang, Staff Director, FRA Track & Structures Division, FRA, telephone: (202) 570–1508, email: *Yujiang.Zhang@dot.gov;* or Aaron Moore, Senior Attorney, FRA, telephone: (202) 853–4784, email: *Aaron.Moore@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 requirements that are outdated and redundant.

On July 1, 2025, FRA published a notice of proposed rulemaking (NPRM) that proposed the elimination of the Federal requirement in 49 CFR part 237, Bridge Safety Standards, that defines the process a track owner must follow when scheduling the evaluation of bridges with no load capacity determination.[1] This requirement was intended as a transitional measure to phase in compliance after the bridge safety regulations became effective. The restrictions on the track owner's discretion to determine the process for evaluation of bridge load capacity are no longer necessary because the regulations have been in effect for almost 15 years and the transitional period for compliance has ended.

FRA received three comments in response to the NPRM. A private citizen expressed concern about the degradation of American infrastructure, including failing bridges, and opposes this rule because the citizen asserted it may lead to bridge failure. The Brotherhood of Maintenance of Way Employes Division of the International Brotherhood of Teamsters (BMWED) and Transportation Trades Department, AFL–CIO (TTD) both submitted comments in support of this proposal. Though they recognized differences in operational and structural characteristics of railroad bridges and public highway bridges, BMWED and TTD encouraged the increased alignment of part 237 with bridge inspection and evaluation practices employed by the Federal Highway Administration, citing the incorporation of standardized inspection intervals, load rating protocols, and common protocols as potential areas for alignment. In addition, BMWED and TTD recommended a structured review of part 237 involving industry, labor, and government representatives through the Railroad Safety Advisory Committee (RSAC).

The commenters and FRA have the same goal, which is to support rail bridge infrastructure and to make sure that it can safely handle the weight of trains operating over bridges. This rule does not impact FRA's regulatory oversight over bridge load capacity requirements, but rather it removes an obsolete provision from the CFR. Specifically, the requirement to be repealed in 49 CFR 237.71 requires an initial determination of load capacity that must be completed within five years of the required date for adoption of the track owner's bridge management program (BMP). See section 237.71(e).

In this final rule, FRA is revising section 237.71 as proposed. As acknowledged by BMWED and TTD, this requirement was intended as a transitional measure to phase in compliance after the bridge safety regulations became effective and more than five years had elapsed from the required BMP adoption dates in section 237.31. All other bridge load capacity requirements in this section remain unchanged, including the requirement that each track owner must determine the load capacity of each of its railroad bridges as documented in the track owner's BMP using appropriate engineering methods and standards. In addition, FRA welcomes BMWED's and TTD's ideas about bridge load capacity regulation for other transportation modes and also agrees that RSAC may be the appropriate forum for the agency's various stakeholders to exchange information relating to the safety of rail operations.

II. Section-by-Section Analysis

Section 237.71 Determination of Bridge Load Capacities

This final rule removes the requirement in paragraph (e) that defines the process a track owner must follow when scheduling the evaluation of bridges with no load capacity determination. The existing requirement imposes a restriction on a track owner's ability to establish a BMP and evaluate bridge load capacity as the track owner sees fit. The existing regulation requires an initial determination of load capacity to be completed within five years of the required date for adoption of a BMP under section 237.31. Under the existing regulation, a period of more than five years has elapsed from the required adoption dates in section 237.31. This requirement was intended as a transitional measure to phase in compliance after the bridge safety regulations became effective. Removing this regulatory text removes an obsolete provision from the CFR, improving readability of this CFR part.

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

[1] 90 FR 28669 (July 1, 2025).