

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 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 adding the definition of “passenger station” in alphabetical order to read as follows:

§ 222.9 Definitions.

* * * * *

Passenger station means a location designated in a railroad’s timetable where passengers are regularly scheduled to get on or off any train.

* * * * *

■ 3. Amend § 222.23 by adding paragraph (d) to read as follows:

§ 222.23 How does this regulation affect sounding of a horn during an emergency or other situations?

* * * * *

(d) Nothing in this part requires the use of the locomotive horn at a passenger station or for purposes other

than highway-rail crossing safety. Unless a Federal regulation requires the use of a locomotive horn because of conditions present at a specific passenger station, the decision to sound a locomotive horn at a passenger station is subject to railroad discretion and railroad operating rules adopted under part 217 of this chapter. A locomotive horn used pursuant to this discretion is not subject to the minimum sound level requirement specified in 49 CFR 229.129(a).

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

David A. Fink,
Administrator.

[FR Doc. 2026–17786 Filed 8–28–26; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

49 CFR Part 222

[Docket No. FRA–2025–0121]

RIN 2130–AD39

Regulatory Relief From Locomotive Horn Sounding Pattern at Public Highway-Rail Grade Crossings

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

ACTION: Final rule.

SUMMARY: This final rule amends safety standards related to use of the locomotive horn to provide regulatory relief from the required pattern of sounding the locomotive horn in two long blasts, one short blast, and one long blast for locomotive engineers operating trains, locomotive consists, or individual locomotives that have stopped in close proximity to a public highway-rail grade crossing. This final rule allows locomotive engineers to vary the locomotive horn sounding pattern to one single blast of the horn as they enter the nearby public highway-rail grade crossing.

DATES: This rule is effective September 30, 2026.

FOR FURTHER INFORMATION CONTACT: James Payne, Staff Director, Grade Crossing and Trespasser Outreach Division, FRA, telephone: (202) 441–2787, email: James.Payne@dot.gov; or Kathryn Gresham, Attorney Adviser, FRA, telephone: (202) 577–7142, email: Kathryn.Gresham@dot.gov.

SUPPLEMENTARY INFORMATION:

I. Background and Comments Received in Response to the NPRM

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 repealing requirements that are outdated and redundant.

The requirements related to the use of locomotive horns by FRA-regulated entities are established in 49 CFR part 222, “Use of Locomotive Horns at Public Highway-Rail Grade Crossings.” On July 1, 2025, FRA published a notice of proposed rulemaking (NPRM) seeking to amend 49 CFR 222.21(d) to provide regulatory relief from the required horn sounding pattern of two long blasts, one short blast, and one long blast for locomotive engineers operating trains, locomotive consists, or individual locomotives that have stopped in close proximity to a public highway-rail grade crossing. 90 FR 28641 (July 1, 2025).

Currently, paragraph (d) of § 222.21 permits locomotive engineers operating trains, locomotive consists, or individual locomotives that have stopped in close proximity to a public highway-rail grade crossing to approach the nearby crossing and sound the locomotive horn for less than the 15-second minimum horn sounding duration required by paragraph (b)(2) of that section. However, engineers operating this equipment that have stopped in close proximity to a public highway-rail grade crossing are not permitted to vary the horn sounding pattern of two long blasts, one short blast, and one long blast, unless the engineer is at a location where public highway-rail grade crossings are spaced closely together.¹ Therefore, in the NPRM, FRA proposed to allow engineers operating trains, locomotive consists, or individual locomotives that have stopped in close proximity to a public highway-rail grade crossing to vary the required locomotive horn sounding pattern (to include providing one single blast of the locomotive horn) as they enter the nearby public highway-rail grade crossing.

FRA received 12 comments in response to the NPRM.² Nine comments were submitted anonymously³ and

¹ See § 222.21(a).

² <https://www.regulations.gov/docket/FRA-2025-0121/comments>.

³ <https://www.regulations.gov/comment/FRA-2025-0121-0005>; <https://www.regulations.gov/>

eight of these anonymous comments supported the flexibility provided by the NPRM. One anonymous comment opposed the NPRM, expressing concern with the adequacy of the warning provided by a single blast of the locomotive horn. FRA also received a comment from an individual, self-described as a person who has been living near a gated crossing for more than 30 years, in full support of the changes proposed in the NPRM.⁴

The Brotherhood of Locomotive Engineers and Trainmen (BLET) submitted comments in support of the flexibility proposed in the NPRM. Although BLET recommended that FRA retain the locomotive horn sounding pattern required by § 222.21(a) as the default rule for use in most situations, BLET also commented that its locomotive engineer members “would welcome the allowance to use discretion to use one single horn blast when they enter onto a crossing at grade, after being stopped in close proximity.”⁵

The Transportation Division of the International Association of Sheet Metal, Air, Rail and Transportation Workers (SMART-TD) submitted comments opposing the NPRM. SMART-TD noted that the horn sounding pattern required by § 222.21(a) provides motorists, pedestrians, and communities with a predictable and recognizable warning that a train is approaching. The comment asserted that the proposed flexibility would introduce ambiguity and reduce the clarity of the warning provided at grade crossings. Further, SMART-TD challenged FRA’s assertion that the NPRM would reduce burdens on railroads and surrounding communities, contending that the existing horn sounding pattern requirement carries no meaningful cost to railroads and that the changes proposed in the NPRM would weaken FRA’s safety regulations and result in social and economic costs from increased collisions, injuries, fatalities, and subsequent litigation.⁶

In response, FRA notes that § 222.21 currently allows locomotive engineers to sound the locomotive horn for less

than 15 seconds in two very different scenarios. Locomotive engineers are permitted to sound the locomotive horn for less than 15 seconds when initiating movement after having been stopped in close proximity to a public highway-rail grade crossing.⁷ Locomotive engineers are also permitted to sound the locomotive horn for less than 15 seconds when traveling at speeds in excess of 60 miles per hour (mph) on approach to a public highway-rail grade crossing.⁸ Moreover, a commuter railroad obtained regulatory relief similar to the proposal through an FRA waiver permitting its train crews to vary the locomotive horn sounding pattern required by § 222.21(a) when initiating train movement after having stopped at certain specified passenger stations located in close proximity to public highway-rail grade crossings.⁹ This waiver has been in effect since 2009 without negatively impacting public safety or the safety of railroad operations.

FRA disagrees with SMART-TD’s assertion that the horn sounding pattern required by § 222.21(a) carries no meaningful cost to railroads. Without the regulatory flexibility proposed, each entity seeking to vary the required locomotive horn sounding pattern by train crews would be required to prepare and submit a waiver petition for regulatory relief.

SMART-TD also noted concern that the proposed language may create liability for locomotive engineers, who might be scapegoated in the event of a grade crossing collision. In response, FRA is amending § 222.21(d) to clarify that FRA is authorizing locomotive engineers to exercise their discretion when determining whether to vary the locomotive horn sounding pattern if the engineer can determine that the nearby public highway-rail grade crossing is not obstructed and, in the locomotive engineer’s sole judgment, at least one of the conditions set forth in § 222.21(d)(1) and (2) has been met.

II. Section-by-Section Analysis

Please refer to the discussion in the NPRM, as FRA is generally adopting the rule text as proposed in the NPRM. 90 FR 28641 (July 1, 2025). However, as noted above, in this final rule, FRA is adding the phrase, “in the locomotive engineer’s sole judgment” to § 222.21(d) to clarify that FRA is authorizing locomotive engineers to exercise their discretion when determining whether to

vary the locomotive horn sounding pattern when entering a nearby public highway-rail grade crossing, after having stopped in close proximity to the crossing.

FRA is also replacing the reference to “conflicting highway movements” in § 222.21(d)(2) with “conflicting motorist or pedestrian traffic” to clarify that FRA expects locomotive engineers to look for motorists and pedestrians who may be approaching the nearby public highway-rail grade crossing. Thus, prior to exercising the discretion authorized by § 222.21(d), locomotive engineers must determine that either the crossing gates at the nearby unobstructed public highway-rail grade crossing are fully lowered (in compliance with the condition set forth in § 222.21(d)(1)) or there is no conflicting motorist or pedestrian traffic approaching the nearby unobstructed public highway-rail grade crossing (in compliance with the condition set forth in § 222.21(d)(2)).

III. Regulatory Impact and Notices

A. Executive Order 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.¹⁰ 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 and concluded that it reduces the burden on railroads and communities by providing greater flexibility in rules concerning train horns near public highway-rail grade crossings. In addition, this final rule eliminates the need for railroads seeking to vary the mandatory locomotive horn sounding pattern to prepare and submit a waiver petition for regulatory relief to FRA.

B. Executive Order 14192 (Unleashing Prosperity Through Deregulation)

E.O. 14192, *Unleashing Prosperity Through Deregulation*, requires that for “each new [E.O. 14192 regulatory

comment/FRA-2025-0121-0006; <https://www.regulations.gov/comment/FRA-2025-0121-0008>; <https://www.regulations.gov/comment/FRA-2025-0121-0009>; <https://www.regulations.gov/comment/FRA-2025-0121-0010>; <https://www.regulations.gov/comment/FRA-2025-0121-0002>; <https://www.regulations.gov/comment/FRA-2025-0121-0007>; <https://www.regulations.gov/comment/FRA-2025-0121-0011>; <https://www.regulations.gov/comment/FRA-2025-0121-0004>.

⁴ <https://www.regulations.gov/comment/FRA-2025-0121-0003>.

⁵ Docket No. FRA–2025–0121–0003, p. 1.

⁶ Docket No. FRA–2025–0121–0013.

⁷ 49 CFR 222.21(d).

⁸ 49 CFR 222.21(a)(3).

⁹ Docket No. FRA–2008–0045 available at <https://www.regulations.gov/docket/FRA-2008-0045>.

¹⁰ 49 CFR part 5; see also DOT Order 2100.6B, Policies and Procedures for Rulemakings, available at <https://www.transportation.gov/regulations/dot-order-21006b-policies-and-procedures-rulemakings>; DOT Order 2100.7, Ensuring Reliance Upon Sound Economic Analysis in Department of Transportation Policies, Programs, and Activities, available at <https://www.transportation.gov/mission/ensuring-reliance-upon-sound-economic-analysis-department-transportation-policies-programs>.

action] issued, at least ten prior regulations be identified for elimination.”¹¹ 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.¹²

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, and therefore it is considered an E.O. 14192 deregulatory action. This final rule will provide additional flexibility for the use of train horns near public highway-rail grade crossings, and waivers will no longer be necessary for those railroads that otherwise would petition FRA for relief from such rules.

C. Regulatory Flexibility Act

The Regulatory Flexibility Act (5 U.S.C. 601, *et seq.*), as amended by the Small Business Regulatory Enforcement Fairness Act of 1996,³ 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 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 will allow for regulatory relief in certain situations from the pattern of horn soundings in FRA train horn regulation. By extending this regulatory relief, many regulated entities, including small entities, will experience benefits. Some small entities will experience cost savings from no longer having to submit waivers.

¹¹ Executive Office of the President, *Executive Order 14192 of January 31, 2025, Unleashing Prosperity Through Deregulation*, 90 FR 9065–9067 (Feb. 6, 2025).

¹² 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).

Although some small entities may be impacted by this final rule, FRA does not anticipate that those impacts will 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 contains no new information collection requirements under the Paperwork Reduction Act of 1995, 44 U.S.C. 3501, *et seq.*, therefore, an information collection submission to OMB is not required. The recordkeeping and reporting requirements already contained in part 222 became effective when it was approved by OMB on January 19, 2026. The OMB Control Number is 2130–0560, and OMB approval expires on January 31, 2029.

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, *Actions Concerning Regulations That Significantly Affect*

Energy Supply, Distribution, or Use (66 FR 28355, May 22, 2001), requires Federal agencies to prepare a Statement of Energy Effects for any “significant energy action.”¹³ 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 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.

¹³ 66 FR 28355 (May 22, 2001).

■ 2. Amend § 222.21 by revising paragraph (d) to read as follows:

§ 222.21 When must a locomotive horn be used?

* * * * *

(d) A locomotive engineer operating a train, locomotive consist, or individual locomotive that has stopped in close proximity to a public highway-rail grade crossing may approach the crossing and sound the horn for less than 15 seconds, and may vary the sounding pattern set forth in paragraph (a) of this section, before the train, locomotive consist, or locomotive enters the highway-rail grade crossing, if the locomotive engineer is able to determine that the public highway-rail grade crossing is not obstructed and, in the locomotive engineer's sole judgment, either:

(1) The public highway-rail grade crossing is equipped with flashing lights and gates and the gates are fully lowered; or

(2) There is no conflicting motorist or pedestrian traffic approaching the public highway-rail grade crossing.

* * * * *

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 225

[Docket No. FRA-2025-0123]

RIN 2130-AD58

Miscellaneous Amendments to FRA's Accident Reporting Regulations

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

ACTION: Final rule.

SUMMARY: This rule makes miscellaneous amendments to FRA's accident reporting regulations. Specifically, these amendments promote submitting documents to FRA electronically, eliminate redundant regulations, and allow railroads with additional time to complete certain forms.

DATES: This rule is effective September 30, 2026.

FOR FURTHER INFORMATION CONTACT: Michael Wissman, Railroad Safety Specialist, Part 225, FRA, telephone:

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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 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 miscellaneous amendments to FRA's accident reporting regulations which included promoting the submission of documents to FRA electronically, eliminating redundant regulations, and allowing railroads additional time to complete certain forms.¹

FRA received four comments. An individual commenter commended FRA for promoting the electronic submission of documents, removing redundant regulations, and providing railroads with more time to complete certain forms to ensure comprehensive accident reporting.² The Brotherhood of Locomotive Engineers and Trainmen (BLET),³ the International Association of Sheet Metal, Air, Rail, and Transportation Workers—Transportation Division (SMART-TD),⁴ and the Transportation Trades Department, AFL-CIO (TTD)⁵ (collectively, "the labor organizations") each submitted a comment opposing the NPRM. The labor organizations expressed concerns that the changes proffered in the NPRM would reduce transparency and cause confusion without providing a safety benefit. They also alleged that giving railroads additional time to complete certain accident reporting forms would lead to the forms being less accurate which would harm safety.

In response to this feedback, FRA is proceeding with the changes it proposed in the NPRM. FRA discusses these

comments further in the Section-by-Section Analysis.

II. Section-by-Section Analysis

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 extensive discussion of FRA's rationale for the revisions.

Section 225.5 Definitions

In the NPRM, FRA stated that the definitions of "railroad" and "railroad carrier" are duplicative and proposed revising the definition of "railroad" and removing the definition of "railroad carrier." All three labor organizations opposed this change stating that it would create confusion by providing a definition that conflicts with the Railway Labor Act (RLA). SMART-TD argued that removing the word "carrier" from part 225 would allow railroads to exploit gray areas and decide when they wanted to be subject to the RLA's protections and when they wanted to be immune from the RLA. SMART-TD described this change as "deregulation by stealth" and said it would allow railroads to "chip away at worker rights" and undermine labor protections in the rail industry.⁶

FRA is unconvinced that this change would cause confusion or adversely affect labor protections in any meaningful way. This change maintains the status quo as this section currently states that "[r]ailroad means a railroad carrier." The logical conclusion from that statement is that the two terms are interchangeable for purposes of part 225. Thus, FRA is eliminating confusion by removing a term ("railroad carrier") that has the same meaning as another term in part 225 ("railroad"). Furthermore, since FRA is not making any substantive change to the definition of "railroad," it is not creating any new conflict with the RLA.

FRA also notes that SMART-TD did not offer any specific explanation for how removing the word "carrier" from this part would adversely affect worker rights and would allow railroads to exploit gray areas in the law. Instead, SMART-TD only provided vague assertions. However, there are several other parts in FRA's regulations that contain a definition of "railroad," but not a definition of "railroad carrier." For example, 49 CFR part 240 has included a definition of "railroad," but not "railroad carrier," since 1991. As the labor organizations have not provided any specific evidence that the change

¹ 90 FR 28654 (July 1, 2025).

² <https://www.regulations.gov/comment/FRA-2025-0123-0002>.

³ <https://www.regulations.gov/comment/FRA-2025-0123-0003>.

⁴ <https://www.regulations.gov/comment/FRA-2025-0123-0005>.

⁵ <https://www.regulations.gov/comment/FRA-2025-0123-0004>.

⁶ <https://www.regulations.gov/comment/FRA-2025-0123-0005>.