restricted car, except under conditions approved by FRA'' and add in its place the phrase ''215.203 Improperly operating a restricted car''.

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 222

[Docket No. FRA–2025–0128]

RIN 2130–AD18

Enhancing Railroad Discretion in Sounding Locomotive Horns at Passenger Stations

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

ACTION: Final rule.

SUMMARY: This final rule amends safety standards related to the use of the locomotive horn to clarify that no Federal regulation requires a railroad to sound a locomotive horn because of the presence of a passenger station. The final rule clarifies that a railroad has discretion to determine policies for sounding a locomotive horn at a passenger station through railroad operating rules. The final rule also provides that if a railroad decides to sound a locomotive horn at a passenger station, the minimum sound level requirements in FRA's Railroad Locomotive Safety Standards do not apply to the sound produced by the horn.

DATES: This rule is effective September 30, 2026.

FOR FURTHER INFORMATION CONTACT: James Payne, Staff Director, Grade Crossing and Trespasser Outreach, 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2025), FRA is reviewing its regulatory requirements in 49 CFR parts 200 through 299 and repealing requirements that are outdated and redundant.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.'' Although part 222 focuses on the use of locomotive horns at public highway-rail grade crossings, it also provides clarification regarding the use of locomotive horns in emergencies and other situations.

On July 1, 2025, FRA published a notice of proposed rulemaking (NPRM) to clarify that no Federal regulation requires a railroad to sound a locomotive horn because of the presence of a passenger station and that a railroad has discretion to determine policies for sounding a locomotive horn at a passenger station through railroad operating rules. In addition, if a railroad decides to sound a locomotive horn at a passenger station, the minimum sound level requirements in FRA's Railroad Locomotive Safety Standards would not apply to the sound produced by the horn. 90 FR 28643 (July 1, 2025).

In response to the NPRM, FRA received comments submitted by the Brotherhood of Locomotive Engineers and Trainmen (BLET) [1] and the Transportation Division of the International Association of Sheet Metal, Air, Rail and Transportation Workers (SMART–TD).[2] Although BLET supports the proposed rule and encourages FRA to implement a rule that is clear and unambiguous, BLET expresses concern whether permitting an exception to the locomotive horn sound level requirements in 49 CFR 229.129(a) would allow use of noncompliant locomotive train horns. In its comments, SMART–TD opposes the proposed rule and contends that the rule would increase the likelihood of public safety incidents, resulting in train crew trauma and psychological harm, as well as increased operational and economic costs. SMART–TD also contends that the rule would allow railroads to shield themselves from financial and other liability in the event of pedestrian strikes around passenger stations.

In response to this feedback, FRA notes that the rule is intended to clarify existing discretion for railroads over locomotive horn use at passenger stations; it imposes no change on this existing discretion. Accordingly, there is no reason to expect any increase in public safety incidents in connection with railroads' exercise of this discretion whether to sound the locomotive horn at passenger stations under their own operating rules. Nor will a railroad's exercise of this discretion when sounding the locomotive horn under their operating rules make a railroad non-compliant with the requirements of 49 CFR 229.129(a) if a railroad chooses to use a locomotive horn that emits a sound below the decibel level in § 229.129(a). FRA clarifies that the locomotive must still be equipped with a horn that produces a minimum sound level in compliance with the requirements of § 229.129(a).

As noted in the NPRM, railroads have sounded the locomotive horn at passenger stations as one method of warning passengers of approaching trains and safeguarding passenger movements at passenger stations. The railroad industry has developed additional methods for providing such warning to passengers and safeguarding their movements at passenger stations, including advancements in station design, providing physical separation of passengers from train movements, and providing other forms of warnings and measures for increasing situational awareness, including both audible and visual station announcements. It is in the context of this more robust array of methods to warn passengers of approaching trains and to safeguard passenger movements at passenger stations, and in consideration that different methods may be employed depending on whether trains are stopping at a station, moving through a station without stopping, or moving over tracks adjacent to a station, that the rule will enhance a railroad's discretion in using the locomotive horn at passenger stations—not diminish railroad safety.

II. Section-by-Section Analysis

Please refer to the discussion in the NPRM, as FRA has generally adopted the rule text as proposed in the NPRM. 90 FR 28643 (July 1, 2025).

In § 222.23(d), FRA modified the proposed regulatory text by adding the words ''at a passenger station'' in the second sentence to clarify that the decision to sound a locomotive horn at a passenger station is subject to railroad discretion and railroad operating rules, as opposed to other locations where train horn sounding is required by FRA

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[1] *https://www.regulations.gov/comment/FRA-2025-0128-0002.*

[2] *https://www.regulations.gov/comment/FRA-2025-0128-0003.*

regulation. The final rule text is otherwise as proposed in the NPRM.

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.[3] 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 will provide transparency regarding Federal locomotive horn sounding requirements and eliminate any confusion to the public, rail labor organizations, and the rail industry by clarifying that no Federal regulation requires the sounding of a locomotive horn because of the presence of a passenger station. In addition, this final rule clarifies that railroads may exercise discretion to sound a locomotive horn in accordance with railroad operating rules without being subject to the minimum sound level requirement for locomotive horns in 49 CFR 229.129(a). This rule provides railroads greater clarity regarding existing flexibility to operate their businesses without adversely impacting railroad safety.

B. E.O. 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.'' [4] 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.[5]

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 it will therefore be considered an E.O. 14192 deregulatory action upon issuance.

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,[6] 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 not preclude small entities from continuing existing practices that comply with part 222 or another Federal regulation; it merely offers flexibilities that could result in cost savings, if a small entity or other regulated entity chooses to utilize those flexibilities. 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 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.'' [7] 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. E.O. 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

[3] 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.*

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

[5] 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).

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

[7] 66 FR 28355 (May 22, 2001).

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.

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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 anonymously [3] 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/*