List of Subjects in 49 CFR Part 215

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

The Final Rule

For the reasons discussed in the preamble, FRA amends part 215 of chapter II, subtitle B of title 49, Code of Federal Regulations as follows:

PART 215—RAILROAD FREIGHT CAR SAFETY STANDARDS

■ 1. The authority citation for part 215 continues to read as follows:

Authority: 49 U.S.C. 20102–03, 20107, 20171; 28 U.S.C. 2461; and 49 CFR 1.89.

■ 2. Amend § 215.127 by removing paragraph (c) and redesignating paragraphs (d), (e), and (f) as paragraphs (c), (d), and (e), to read as follows:

§ 215.127 Defective draft arrangement.

A railroad may not place or continue in service a car, if—

(a) The car has a draft gear that is inoperative;

(b) The car has a broken yoke;

(c) A vertical coupler pin retainer plate—

(1) Is missing (except by design); or

(2) Has a missing fastener;

(d) The car has a draft key, or draft key retainer, that is—

(1) Inoperative; or

(2) Missing; or

(e) The car has a missing or broken follower plate.

■ 3. Amend § 215.129 by redesignating paragraph (c) as paragraph (e), and adding new paragraphs (c) and (d) and to read as follows:

§ 215.129 Defective cushioning device.

A railroad may not place or continue in service a car if it has a cushioning device that is—

(a) Broken;

(b) Inoperative;

(c) Leaking clearly formed droplets, when not equipped with a unit condition indicator (UCI);

(d) Equipped with a UCI that indicates a discharged cushioning unit; or

(e) Missing a part, unless its sliding components have been effectively immobilized.

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

David A. Fink,

Administrator.

[FR Doc. 2026–17782 Filed 8–28–26; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

49 CFR Part 215

[Docket No. FRA–2025–0117]

RIN 2130–AD46

Repealing Special Approval Requirement for Freight Cars More Than 50 Years Old

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

ACTION: Final rule.

SUMMARY: This rule amends FRA's freight car safety regulations to repeal the requirement for special approval to place or to continue a freight car in service if it is more than 50 years old or equipped with any design or type component listed in appendix A to part 215. This final rule allows railroads to continue or to place such cars in service with notice to FRA, providing certain information that has previously been required in petitions for special approval.

DATES: This rule is effective September 30, 2026.

FOR FURTHER INFORMATION CONTACT: Check Kam, Mechanical Engineer, Office of Railroad Safety, at email: *check.kam@dot.gov* or Elliott Gillooly, Attorney Adviser, at email: *elliott.gillooly@dot.gov.*

SUPPLEMENTARY INFORMATION:

I. Discussion of Comments and FRA's Conclusions

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.

A. Overview of Comments

On July 1, 2025, FRA published a notice of proposed rulemaking (NPRM) intended to reduce the burden on railroads associated with FRA's approval process for placing or continuing in service freight cars more than 50 years of age or equipped with any design or type of component listed in appendix A to part 215. The NPRM proposed to rescind the requirement for FRA approval for those cars and to replace the approval process with special inspection and testing requirements (90 FR 28633, July 1, 2025). The proposed requirements were based on FRA's longstanding practice of requiring such inspections and tests as part of the approval process.

FRA received nine comment letters during the 60-day NPRM public comment period.[1] Two comment letters were also received after the comment period closed. FRA has considered all comments received to date and docketed any that were not directly filed by the commenters at *www.regulations.gov.* Four organizations opposed the regulatory relief proposed in the NPRM in its entirety and advocated for FRA to maintain the current requirements in § 215.203. These commenters included the Brotherhood Railway Carmen Division of the Transportation Communications Union (BRC) (joined by the Brotherhood of Locomotive Engineers and Trainmen (BLET)); the Transportation Trades Department, AFL–CIO (TTD); and the Transportation Division of the International Association of Sheet Metal, Air, Rail and Transportation Workers (SMART–TD).

Other commenters supported FRA's elimination of the special approval requirement for freight cars over 50 years old but recommended that FRA completely exclude such cars from coverage under § 215.203. These commenters oppose the requirements that FRA proposed as the conditions necessary to place or to keep overage cars in service: a shop inspection, brake testing, and certification by the owner that overage cars are safe for service. They include the Association of American Railroads (AAR); the American Short Line and Regional Railroad Association (ASLRRA);[2] AITX Corporation, GATX Corporation, Intermodal Association of North America, National Grain and Feed Association, and National Railroad Construction & Maintenance Association;[3] The Greenbrier Companies (Greenbrier); and Herzog Railroad Services, Inc. (Herzog).

In addition, FRA received comments from the U.S. Small Business Administration, Office of Advocacy, and the U.S. House of Representatives Committee on Transportation and Infrastructure, which are addressed with other comments below.

[1] *https://www.regulations.gov/document/FRA-2025-0117-0001/comment.*

[2] AAR and ASLRRA filed comments jointly, and ASLRRA filed its own supplemental comments separately.

[3] The foregoing companies and associations filed comments jointly.

After consideration of all comments, FRA has adopted its proposal with some changes, as detailed in the below Section-by-Section Analysis. FRA finds that repealing the special approval process and replacing it with a uniform notice requirement provides equivalent safety outcomes while reducing burdens on railroads and eliminating the added delay involved in petitioning FRA for a special approval.

B. Comments Opposing the NPRM in Its Entirety

Commenters seeking the withdrawal of this rulemaking in its entirety argued that FRA should maintain oversight through its existing special approval process due to potential safety concerns related to older cars—for example, ''the risks of structural fatigue, outdated component designs, and catastrophic mechanical failures increase with age'' (SMART–TD); ''[a]ging cars often experience corrosion and internal deterioration'' such as cracking in the frame and bolster structures or corrosion of underframes and weld seams (TTD); and older cars are subject to microcracking and brittle fractures in frame and bolster structures, corrosion of underframes and weld seams, issues with the structural integrity of handholds, and other exterior safety appliance securing points, oversized bolt holes, and brake connection points causing binding and fouling (BRC/BLET). TTD and BRC/BLET also believe that retrofitting older cars can cause problems, such as weakening frames when drilling and welding to make modifications. In addition, commenters stated that the NPRM made no provision for mandatory speed or load restrictions on older cars, independent verification of inspections, or public reporting of inspection results.

FRA appreciates the comments provided by each of the labor organizations. However, after considering the comments and reevaluating the proposals in the NPRM, FRA determined that a streamlined notification process, as opposed to specific inspection requirements, will not compromise safety and will enable FRA to provide sufficient oversight.

All freight cars in service must be inspected for compliance with FRA's Freight Car Safety Standards during routine pre-departure mechanical inspections under § 215.13. These inspections include, at a minimum, examination of each car in a train for any condition likely to cause an accident or casualty before the train arrives at its destination, including the conditions listed in appendix D to part 215. If an older car has any condition not in compliance with part 215, it may not be placed or continued in service.

Though frequent pre-departure inspections are intended to identify freight car defects, railroads are not relieved of liability for non-compliance by virtue of completing the inspection. Though FRA inspectors have inspected cars routinely that are the subject of special approval applications under the existing regulation, those examinations are not a substitute for a railroad's obligation to ensure that any freight cars in service on a railroad are in compliance with part 215. FRA understands that ensuring the compliance of older freight cars or freight cars equipped with components identified in appendix A to part 215 often requires those cars to be inspected and maintained with heightened care. At any rate, part 215 defects found in-train may be cited by FRA inspectors at any time the cars are in service, and railroads must repair any such defects that they or FRA identifies.

To ensure older freight cars remain in compliance with part 215, FRA anticipates that railroads and car owners will inspect older freight cars as needed for issues that are potentially more likely to develop due to the age of the cars. A comprehensive shop inspection may be appropriate to identify concerns related to the structural integrity of older cars, but FRA is not mandating the specific schedule or frequency of such inspections because part 215 compliance is a constant requirement for freight cars in service.

For cars that are interchanged among railroads, AAR Field Manual Rules 88 and 90 are more comprehensive than FRA's own regulations. The AAR application for approval for increased life status (ILS) requires proof of compliance and verification that the units do not have any structural defects or weaknesses. A thorough structural inspection is performed, including but not limited to the superstructure, underframe (including car bodies, body bolsters, side sills, center sills, draft sills, and draft pockets), and truck castings. FRA understands AAR Rule 88 also requires that railroads obtain FRA's authorization to operate freight cars beyond 50 years from the date originally built. FRA assumes this requirement is intended to reflect the historical requirement for FRA approval under 49 CFR 215.203, which is being rescinded in this rule.

In response to commenters' concern that this rule does not include speed and load limitations, FRA notes that railroads will be required to provide to FRA all the same types of information that have been required in petitions for special approval prior to this rule. Based on a review of FRA special approvals, FRA has determined that the speed and load restrictions in those approvals have generally corresponded to the existing use of the car at the time of the application. Railroads will most often designate overage cars for a particular type of service, accounting for operating conditions and allowable speeds on the territory. FRA anticipates that will remain industry practice. Moreover, with the information this rule requires railroads to provide, FRA will be able to monitor usage of the cars effectively and target inspections for compliance with part 215 requirements.

C. Comments Recommending Overage Cars Be Completely Excluded From Coverage Under Section 215.203

1. AAR and ASLRRA

In their jointly filed comment letter, AAR and ASLRRA stated that current regulations were developed to address a transitional era when many freight cars featured wooden structural elements, and fragile cast iron or otherwise obsolete components were still in operation. They also stated that overage cars today are safe and suitable for service because AAR's technical committees have developed the technical standards necessary for the safe operation of railroad rolling stock under AAR Field Manual Rule 88 and prohibited specific components in interchange, including on older cars, under AAR Rule 90. Therefore, the associations recommended that FRA repeal § 215.203(a)(1) (listing cars 50 years old or older as restricted cars) because it places what they consider to be unnecessary burdens on railroads, car owners, and shippers ''that would otherwise use cars more than 50 years old.''

The associations also commented that FRA may not have considered all the burdens associated with the rulemaking in its analysis, citing the requirements for a ''comprehensive shop inspection'' every two years and the cost of a single-car air brake test (SCABT). The associations noted that ''all freight cars are inspected frequently while in service,'' and that ''any car that has been in service for many years has undergone regular maintenance and upgrades, including upgrades required by the car owner and/or by the AAR.'' Commenting on the proposed requirement that overage cars receive an SCABT every two years, the associations asserted that AAR Rule 90 requires air brake components to meet current interchange requirements, so these components would be expected to be newer than 50 years old. Therefore, they do not believe there is a safety justification to require an older car to undergo an SCABT more frequently than other, newer cars.

In supplemental comments, ASLRRA stated that its joint comments with AAR focused on cars in interchange service subject to AAR Rules 88 and 90, but that many short line railroads utilize rail cars in captive service, meaning they are not interchanged. ASLRRA stated that FRA did not provide the detailed elements of the comprehensive shop inspection proposed in the NPRM but, if the inspection would require a car to go to a freight car shop facility where the trucks can be removed, short line railroads would have to deliver the car to a Class I railroad, which would then transport the car to a shop facility because many short line railroads do not have such facilities. ASLRRA also commented that requiring an SCABT every two years is unnecessary because SCABT intervals are already established by 49 CFR 232.305 and ''[b]ecause brake control valves and other components are changed out when needed, a 50-year-old railcar often has newer brake components than a younger car.''

In response to the associations, FRA agrees that cars meeting AAR Rule 88 ILS standards are generally safe for service, provided they pass pre-departure inspection requirements like all other freight cars. With respect to older cars in captive service, FRA has determined that these cars are also generally appropriate for the type of captive service that is common in the industry, often at lower speeds over limited territories, based on FRA's experience from decades of reviewing special approvals. Therefore, this rule does not impose speed and load limit restrictions on older cars. Generally, speed and load limitations will be determined in accordance with the type of car, type of commodity, class of track, terrain, intended routes, and railroad operating rules. FRA reminds railroads, however, that part 215 sets the minimum standards for freight cars and any freight car not meeting those minimum standards, whether it is operated under capacity, at slow speed, or over a limited territory, must comply with part 215.

2. AITX Corporation, GATX Corporation, Herzog, Intermodal Association of North America, National Grain and Feed Association, National Railroad Construction & Maintenance Association, and Greenbrier

Seven companies and associations submitted a joint comment letter stating that freight cars are already subject to frequent inspections, modern defect detection systems, and strict component standards that ensure safety regardless of age.[4] They maintain that additional requirements for older cars are unnecessary, that AAR Rules 88 and 90 ensure that older cars meet modern safety standards before being allowed to continue in service, and that the safety standards in part 215 also govern the safe movement and handling of freight cars, regardless of age.

Herzog joined in the above comment letter and submitted a separate comment[5] in support of the rule as proposed in the NPRM but requested that FRA consider full repeal of § 215.203, rather than requiring inspections and related recordkeeping for overage cars. Herzog stated that railcars today are built of high-strength, corrosion-resistant materials and are subject to rigorous, routine inspection and maintenance under FRA regulations and industry standards. Herzog also requested that FRA ''make it clear through the proposed changes to the 50-year ban that Maintenance-of-Way (MOW) modified freight cars are explicitly included in the rule's scope, including ballast cars, tie gondolas, rail-handling equipment, and other infrastructure support assets, as this will [be] very beneficial when they are interchanged between distinct railroads.''

In addition, Greenbrier commented in detail that AAR rules and industry practices already provide sufficient standards for overage cars, making FRA inspection and reporting requirements redundant and unnecessary. Greenbrier recommended that instead of the rule that FRA proposed, it would be better to establish a procedure to approve an existing industry safety standard, similar to the process available for safety appliances in 49 CFR 231.33. Alternatively, Greenbrier proposed incorporating by reference AAR Rule 88 ILS standards.

In response to Greenbrier's suggestions, FRA believes that the special approval process for adopting an industry safety standard related to safety appliances in § 231.33 is not an appropriate process to address the restricted freight cars that are the subject of this rule. FRA's intent is to remove the burden of seeking special approval for overage freight cars.

With respect to Herzog's comment that MOW cars should be included in the rule's scope, FRA directs attention to § 215.3(c)(3), which provides that MOW equipment (including self-propelled MOW equipment) is excluded from coverage by part 215 if that equipment is not used in revenue service and is stenciled in accordance with § 215.305. Otherwise, this rule requires notice to FRA with the information specified in § 215.203 for all freight cars over 50 years old and freight cars with restricted components.

3. U.S. Small Business Administration Office of Advocacy

The U.S. Small Business Administration (SBA) Office of Advocacy is an independent office that seeks to ensure small business concerns are heard in the Federal regulatory process. FRA staff met with an SBA representative on August 28, 2025, as documented in the docket for this rulemaking. SBA submitted written comments on the NPRM on September 15, 2025. SBA stated that it hosted a small business regulatory roundtable on April 14, 2025, to hear directly from small businesses and their representatives about which DOT regulations are most burdensome and in need of review, and it met with ASLRRA on August 27, 2025.

Consistent with its work on behalf of small businesses and its outreach to stakeholders, SBA commented that ''a 50-year limit is not distinctly special from some other age limit, does not account for modern technology and maintenance practices, and does not factor existing regulatory provisions (such as 49 CFR 215.13) that already require that freight cars be inspected every time they are placed in service. Further, the modern rail industry operates on comprehensive industry consensus standards which dictate that all rail cars must be inspected and repaired before they can be placed in service.'' Therefore, SBA advised that FRA should adopt the approach proposed by ASLRRA, removing any regulation specific to 50-year-old cars from § 215.203.

SBA also disagreed with FRA's certification under the Regulatory Flexibility Act (RFA) (5 U.S.C. 605(b)) that the NPRM would not have a significant economic impact on a substantial number of small entities. SBA believes that the NPRM would impose a new, de facto mandatory process and, therefore, would not be voluntary. SBA recommended FRA evaluate the cost of the proposed regulation compared to the existing baseline and answer the question ''what does a regulated entity do now and what would they be required to do if the proposed rule was finalized?'' SBA

[4] *https://www.regulations.gov/comment/FRA-2025-0117-0007.*

[5] *https://www.regulations.gov/comment/FRA-2025-0117-0006.*

commented that FRA should consider ''repeal[ing] the 50-year threshold in [section] 215.203(a)(1)'' and that it believes the proper test under the RFA to be whether an impact is significant, regardless of whether the impact is positive or negative. SBA suggested that FRA consider the status quo (what regulated entities must do before this rule is finalized) and compare those impacts to regulatory requirements after § 215.203 has been amended.

FRA maintains that it did indeed consider this no-action baseline in the NPRM and continues to consider this no-action baseline in this final rule. FRA is confident that this rule reduces burdens on industry in meaningful ways, and to a greater extent than the NPRM. Repealing the special approval process and replacing it with a notice requirement provides equivalent safety outcomes while reducing burdens on railroads and eliminating the added delay involved in petitioning FRA for a special approval. FRA reaffirms that these qualitative factual statements assess a no-action baseline and provide the basis for FRA's certification.

A regulatory flexibility analysis is required when an NPRM or final rule is expected to have a significant economic impact on a substantial number of small entities. We certified the regulatory flexibility analysis in the NPRM because the rule will not have a significant impact (positive or negative) on a substantial number of small entities. Though some small entities may be impacted by this final rule, FRA does not believe that impact will be significant. FRA did consider both the positive and negative impacts for significance consideration. Railroads that were previously required to follow the existing special approvals process will have reduced costs under this rule. For those that have not previously sought special approval, or that avoided the special approval process due to its costs or any other reason, FRA expects the costs of providing the information required by this rule to be minimal. The Paperwork Reduction Act (PRA) analysis in this final rule (section III.D) also supports this certification. The PRA analysis states that the rule does not add any new information because the information collected is not changing and the PRA analysis corrects for a reduction in burden. The cost in the PRA analysis per railroad is approximately $133. A total of $133 is not likely to have a significant impact on any small railroad. As SBA did not provide any quantitative data to support the significant impact on small entities, FRA continues to maintain that this final rule will not have a significant economic impact on a substantial number of small entities and therefore a certification is appropriate to comply with the RFA.

4. U.S. House of Representatives Committee on Transportation and Infrastructure

The House Committee on Transportation and Infrastructure (Committee), in a letter dated November 24, 2025 and signed by the Chair of the Committee, expressed support for the NPRM.[6] The Committee also urged FRA to ''remove new and separate requirements, such as biennial shop inspections and redundant air brake tests.'' FRA appreciates the Committee's attention to this rulemaking and its comments and notes that this rule adopts the recommendation to repeal the special approval process without adding new or redundant inspection requirements.

II. Section-by-Section Analysis

Section 215.203—Restricted Cars

Prior to this rule, § 215.203 restricted the operation of any railroad freight car that is more than 50 years old, and any car of a design or equipped with a component listed in appendix A to this part, by prohibiting its placement or continuance in service, except under conditions approved by FRA. A railroad was required to petition FRA to obtain the required special approval.

This final rule revises § 215.203 to provide uniform notice requirements for all freight cars more than 50 years old. Accordingly, because they are otherwise covered by the rule due to their age, the rule removes as unnecessary the specific identification of railroad freight cars that are ''[e]quipped with a Duryea underframe constructed before April 1, 1950, except for a caboose which is operated as the last car in a train'' as a type of restricted freight car under former § 215.203(a)(3), as proposed in the NPRM. In addition, the appendix C defect code associated with § 215.203 has been updated to reflect the changes made by this rule.

FRA recognizes that there are many restricted cars now in service under previously issued special approvals. Each special approval has an expiration date, generally five years from issuance. At the same time, this rule allows railroads to operate restricted cars with notice to FRA, rather than special approval. Therefore, railroads may continue to operate restricted cars under the terms of an existing special approval, or they may comply with the new notice requirement in § 215.203. FRA has added subsection (c) to make clear that existing special approvals may still be relied on after this rule is effective. If a railroad chooses to comply with the new notice requirement for any restricted car now in service under a special approval, the existing special approval and its associated conditions will be superseded by this rule, but only as to conditions that relate to the car's restricted status under § 215.203. Any other FRA approvals or waivers and their associated conditions that are not directly based on the car's age or the presence of restricted components under appendix A to part 215 are not affected by this rule and remain in effect. FRA invites railroad car owners to contact FRA should they have any questions about the requirements applicable to any car or the car's regulatory status.

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's rulemaking procedures, 49 CFR part 5, subpart B. 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 benefit from this regulatory relief because they will be able to keep certain older cars in service, provided they submit notice to FRA with information about those cars. This notice includes readily available information and can be provided via email, so the associated costs will be minimal. Currently, cars over 50 years old are subject to the special approval process and must comply with the conditions of approval in addition to the general requirements of part 215. Under this final rule, following notice to FRA, these older cars will only have to comply with the general requirements of part 215. Therefore, railroads will avoid the compliance costs associated with the special approval conditions. Further, railroads will avoid the costs associated with filing petitions for special approval with FRA, including the time and expense required to complete the petitions and have employees present for FRA inspections prior to FRA's decision. The Government will avoid costs associated with processing special

[6] *https://www.regulations.gov/comment/FRA-2025-0117-0013.*

approvals, including the time and expense required to do so.

Cars that are interchanged are subject to AAR Interchange Rules regardless of FRA's regulation of overage cars and railroads with cars that are approved under AAR's ILS process will avoid all costs of compliance with § 215.203 for up to 65 years from the date of original construction (15 years beyond the age of 50).

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." [7] Implementation guidance for E.O. 14192 issued by OMB defines two different types of E.O. 14192 actions: an E.O. 14192 deregulatory action, and an E.O. 14192 regulatory action.[8]

An E.O. 14192 deregulatory action is defined as "an action that has been finalized and has total costs less than zero." This rule is expected to have net benefits, and it will therefore be considered an E.O. 14192 deregulatory action upon issuance.

C. Regulatory Flexibility Act and E.O. 13272

The RFA, as amended by the Small Business Regulatory Enforcement Fairness Act of 1996,[9] 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)). FRA received an SBA comment letter and has addressed SBA's comments in section I.C.3 of this preamble.

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. 5 U.S.C. 605(b). This final rule replaces the special approval process for cars over 50 years old with a requirement that railroads provide notice to FRA with specific information. The general requirements of part 215 continue to apply to these cars. Therefore, railroads will see a cost savings: they will no longer have to navigate the special approvals process or comply with the associated conditions of a special approval for overage cars. Though they must submit notice to FRA including information about the relevant cars, this notice includes readily available information and can be provided via email, so the associated costs will be minimal. In addition, the PRA analysis of this final rule states that the rule does not add any new information because the information collected is not changing and the PRA analysis corrects for a reduction in burden. The cost in the PRA analysis per railroad is approximately $133. A total of $133 is not likely to have a significant impact on any small railroad. Overall, FRA expects the minimal costs of compliance to be outweighed by the avoided costs of navigating the special approval process and subsequent compliance with the conditions of that approval, resulting in cost savings for small entities. Therefore, some small entities may be impacted by this final rule, but FRA does not anticipate significant impacts. 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

In accordance with the Paperwork Reduction Act of 1995,[10] FRA is seeking OMB approval to revise the information collection estimates in OMB Control No. 2130–0519, corresponding to part 215, which was last approved April 24, 2023.[11]

This rule does not add any new information collection requirements because the type of information collected under § 215.203 is not changing. Information that was previously required to be included in petitions for special approval will now be required in notices to FRA. However, FRA has determined that the information collection request associated with OMB Control No. 2130–0519 should be updated to reflect anticipated burden changes, including reductions in burden, associated with § 215.203 as revised by this rule. The table below contains the revised information collection requirements associated with § 215.203 and the estimated time to fulfill the requirement.

CFR section	Respondent universe	Total annual responses (A)	Average time per response (hours) (B)	Total annual burden hours (C) = A * B	Total annual dollar cost equivalent (D) = C * Wage Rates [12]
215.203 Restricted cars: —(a) Notice by railroad to FRA of intent to operate a freight car that is over 50 years old or equipped with a restricted component *(Revised requirement)*.	754 railroads	30 notifications to FRA.	1.5	45	$4,010.85
Total	754 railroads	30 responses		45	4,010.85

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

[8] 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).

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

[10] 44 U.S.C. 3501 *et seq.*

[11] *See* OMB Control No. 2130–0519, Bad Order and Home Shop Card and Stenciling Reporting Mark, *https://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=202301-2130-003.*

[12] The dollar equivalent cost throughout this table is derived from the 2023 Surface Transportation Board Full Year Wage A&B data series using employee group 200 (Professional & Administrative) hourly wage rate of $50.93. The total burden wage rate (straight time plus 75 percent) used in the table is $89.13 ($50.93 × 1.75 = $89.13).

All estimates include the time for reviewing instructions; searching existing data sources; gathering or maintaining the needed data; and reviewing the information. For information or a copy of the paperwork package submitted to OMB, contact Ms. Joanne Swafford, Information Collection Clearance Officer, at email: *joanne.swafford@dot.gov* or telephone: 757–897–9908.

OMB is required to decide concerning the collection of information requirements contained in this final rule between 30 and 60 days after publication of this document in the **Federal Register**. Therefore, a comment to OMB is best assured of having its full effect if OMB receives it within 30 days of publication of this document. FRA is not authorized to impose a penalty on persons for violating information collection requirements that do not display a current OMB control number, if required.

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. 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 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 215

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

The Final Rule

For the reasons discussed in the preamble, FRA amends part 215 of chapter II, subtitle B of title 49, Code of Federal Regulations as follows:

PART 215—RAILROAD FREIGHT CAR SAFETY STANDARDS

■ 1. The authority citation for part 215 is revised to read as follows:

Authority: 49 U.S.C. 20102–03, 20107, 20171; 28 U.S.C. 2461 note; and 49 CFR 1.89.

■ 2. Revise § 215.203 to read as follows:

§ 215.203 Restricted cars.

(a) Except as provided in paragraphs (b) and (c) of this section, a railroad may place or continue in service a railroad freight car that is more than 50 years old, measured from the date of original construction, or a freight car that is equipped with any design or type component listed in appendix A to this part, only after providing notice to FRA at *FRARRSMPE@dot.gov.* The notice must include the following information:

(1) The name and principal business address of the operating railroad.

(2) The name and address of the entity that controls the operation and maintenance of each car involved.

(3) The type, capacity, reporting marks, and car number of each car, and its condition, status, and age measured from the date of original construction.

(4) The design, type component, or other item that causes each car to be restricted.

(5) The maximum load each car will carry.

(6) The maximum speed at which each car will be operated.

(7) The territorial limits within which each car will be operated and the name of each railroad that will receive each car in interchange.

(b) Railroad freight cars approved under a standard such as the Office Manual of the Association of American Railroads' Interchange Rule 88 Increased Life Status process (ILS) are exempt from the requirements of this section for up to 65 years from the date of original construction, provided that the month and year the car was made available for service under the appropriate standard and the abbreviation of the standard (such as ''ILS'') must be stenciled on the car in characters at least 1 inch high, immediately following ''R–AGE.''

(c) For purposes of compliance with this section—

(1) A railroad with freight cars that have received FRA approval as specified in this section in effect on September 29, 2026 may place or continue the cars in service under the terms of the approval until it expires.

(2) Such railroad may at any time provide notice to FRA as specified in this section in effect on September 30, 2026, and the notice will supersede the FRA approval.

Appendix C to Part 215 [Amended]

■ 3. In appendix C to part 215, under the heading ''Description of Defects'', remove the phrase ''215.203 Operating a

[13] 66 FR 28355 (May 22, 2001).

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.

[FR Doc. 2026–17787 Filed 8–28–26; 8:45 am]

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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

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

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