Dated: August 27, 2026.

Kenneth Wolfe,

Director, Office of Federal Contract Compliance Programs.

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DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

49 CFR Part 214

[Docket No. FRA–2025–0083]

RIN 2130–AD44

Repealing Outdated Railroad Workplace Safety Requirements and Making Other Improvements

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

ACTION: Final rule.

SUMMARY: This rule repeals several roadway workplace safety requirements that have become obsolete. In addition, FRA establishes a new special approval procedure to enable regulated entities, after public notice and FRA approval, to utilize an alternative approach to bridge worker safety that provides for an equivalent or better level of safety. Also, this rule clarifies that the required training for operators of roadway maintenance machines equipped with a crane includes specific aspects such as maintaining vertical clearance.

DATES: This rule is effective September 30, 2026.

FOR FURTHER INFORMATION CONTACT: Timothy Presser, Track Specialist, Office of Railroad Safety, FRA, telephone: (208) 241–9458, email: *timothy.presser@dot.gov;* or Aaron Moore, Senior Attorney, FRA, telephone: (202) 853–4784, email: *aaron.moore@dot.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

Consistent with Executive Order (E.O.) 14192, *Unleashing Prosperity Through Deregulation* (90 FR 9065, Feb. 6, 2025), and E.O. 14219, *Ensuring Lawful Governance and Implementing the President's* ''*Department of Government Efficiency*'' *Deregulatory Initiative* (90 FR 10583, Feb. 25, 2025), FRA is reviewing its regulatory requirements in 49 CFR parts 200 through 299 and repealing requirements that are outdated and redundant.

On July 1, 2025, FRA published a notice of proposed rulemaking (NPRM) that proposed to amend some of the requirements in part 214 to reduce burdens, to make technical or conforming changes, to repeal aged-out regulations, or otherwise to adjust to advancing technology or recent incidents, without any adverse effect on railroad safety. 90 FR 28629 (July 1, 2025). During the comment period that closed on September 2, 2025, FRA received comments from the Brotherhood of Maintenance of Way Employes Division (BMWED) [1] and the Transportation Trades Department, AFL–CIO (TTD).[2]

In summary, BMWED and TTD generally supported most proposals FRA made in the NPRM, including the proposed special approval procedure for alternative bridge worker safety systems in section 214.119. Both commenters recommended that this proposed procedure be amended to require third-party verification of proposed alternative safety systems and direct consultation with labor representatives, and that FRA issue formal guidance on its review process for petitions requesting special approval of alternative bridge worker safety proposals. In addition, both commenters expressed concern with the repeal of section 214.515(b), arguing that if machines in service lack adequate overhead protection, workers should retain the right to request such protection. FRA disagrees with the recommended changes to the proposed special approval procedure, but the agency agrees with the concerns about eliminating section 214.515(b). FRA discusses the comments it received further in the *Section-by-Section Analysis.* FRA finalizes the NPRM as proposed, except FRA retains existing 49 CFR 214.515(b), based on BMWED's and TTD's comments.

II. Section-by-Section Analysis

This section-by-section analysis addresses only the specific sections that were commented on directly and that FRA is amending in a way that differs from FRA's proposal in the NPRM. Please reference the NPRM's section-by-section analysis for further information regarding the sections FRA is adopting as proposed in the NPRM—that is, sections 214.331, 214.333, 214.335, 214.347, 214.513, 214.517, and 214.533.

Section 214.119 Special Approval Procedure

Because 49 CFR part 214, subpart B is highly prescriptive and therefore discourages innovation or the deployment of advancing technology in bridge worker safety systems, this final rule adds a new section 214.119 that provides for a special approval procedure similar to the procedure provided in 49 CFR 238.21. The special approval procedure enables a regulated entity, after public notice and FRA approval, to utilize an alternative approach to bridge worker safety that provides for an equivalent or better level of safety. The comments received from BMWED and TTD both recommended that FRA revise the proposed rule to require third-party safety verification of proposed alternative bridge worker safety systems. FRA notes that the final rule, in paragraph (b)(3), requires a railroad to include in its petition appropriate data or analysis, or both, establishing that the alternative will provide at least an equivalent level of safety. A railroad could include, as part of its petition, a third-party safety verification of the railroad's proposal. To provide a petitioner with appropriate flexibility to establish that its proposal would result in at least an equivalent level of safety, FRA declines to revise the proposal as suggested.

BMWED and TTD also recommended that FRA require the proposing railroad to consult with the affected labor representatives directly, including to solicit input, not only to notify the affected labor representatives, as the NPRM proposed. FRA disagrees. This special approval procedure generally mirrors other special approval procedures used elsewhere in FRA's regulations (*e.g.,* 49 CFR 238.21), and FRA sees no need to deviate from this consistent framework. A railroad must provide notice of the petition to the designated representatives of its employees, under new paragraph (b)(4), and a railroad may coordinate with such representatives earlier, including during the development of the railroad's proposed alternative bridge worker safety standard.

Section 214.357 Training and Qualification for Operators of Roadway Maintenance Machines Equipped With a Crane

This final rule amends paragraph (b) of this section to clarify that the required training for operators of roadway maintenance machines equipped with a crane includes specific aspects such as maintaining vertical clearance. FRA expects that issues such

[1] *https://www.regulations.gov/comment/FRA-2025-0083-0003; https://www.regulations.gov/comment/FRA-2025-0083-0004; https://www.regulations.gov/comment/FRA-2025-0083-0006.*

[2] *https://www.regulations.gov/comment/FRA-2025-0083-0007.*

as vertical clearance should be addressed in the employer's training and qualification program. Under current section 214.357(b), employers are required to include procedures for determining that the operator of such crane machines has the skills and knowledge to operate safely. However, FRA expects that highlighting issues such as vertical clearance in the regulatory text may help to avoid future incidents of crane machines striking structures, such as bridges. FRA does not expect this clarification to result in any additional burdens.

Comments from BMWED and TTD supported the proposed clarification. In addition, BMWED and TTD generally urged FRA to refer 49 CFR 213.357 to the Railroad Safety Advisory Committee for review and modernization. FRA will take this recommendation under consideration.

Section 214.515 Overhead Covers for Existing On-Track Roadway Maintenance Machines

This final rule amends paragraph (a) of this section to remove reference to the date (March 28, 2005) that overhead covers must be repaired or reinstalled on existing on-track roadway maintenance machines currently or previously equipped with such covers. That date has long passed.

In addition, in the NPRM, FRA proposed to remove paragraph (b) and redesignate existing paragraph (c) as new paragraph (b). Comments from BMWED and TTD opposed the removal of paragraph (b), arguing that this provision may still apply, and that if machines currently in service lack adequate overhead protection, workers should continue to have the right to request such covers. FRA agrees, and the final rule makes no changes to existing paragraphs (b) and (c).

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 simplifies the regulation by creating a special approval procedure in new section 214.119 consistent with a similar procedure in existing section 238.21; removes certain regulations rendered irrelevant by the passage of time in sections 214.331, 214.333, 214.335, 214.347, 214.513, 214.515, and 214.517; clarifies training requirements in section 214.357; and simplifies record retention rules in section 214.533.

A railroad carrier may take advantage of the voluntary flexibility of the special approval procedure in new section 214.119; if this were to occur, the cost savings to that railroad carrier would outweigh the minimal time required for submitting the petition. This rule provides additional clarity to regulated entities and eliminates unnecessary, outdated requirements while continuing to ensure workplace safety, substantive compliance, and availability of information related to railroad maintenance activities. This rule will provide cost savings to regulated entities. In addition, this rule will provide some qualitative benefits to regulated entities and the U.S. Government by creating a special approval procedure, eliminating outdated requirements from part 214, clarifying training requirements, and simplifying record retention rules.

B. Executive Order 14192 (Unleashing Prosperity Through Deregulation)

E.O. 14192, *Unleashing Prosperity Through Deregulation,* requires that for ''each new [E.O. 14192 regulatory action] issued, at least ten prior regulations be identified for elimination.''[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 will have total costs less than zero, and therefore it will be considered an E.O. 14192 deregulatory action upon issuance of this final rule.

C. Regulatory Flexibility Act

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), as amended by the Small Business Regulatory 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, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and government 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. 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 impact on a substantial number of small entities.

D. Paperwork Reduction Act

In accordance with the Paperwork Reduction Act of 1995, 44 U.S.C. 3501, *et seq.,* FRA is seeking approval from OMB to revise the information collection estimates in previously approved OMB Control Number 2130–0539, corresponding to part 214. On May 31, 2022, OMB approved FRA's last information collection request (ICR) corresponding to part 214, containing 5,619 burden hours.[7]

With this final rule, the burden will increase by 10 hours annually, to 5,620 hours annually. The table below details the new information collection requirements that will apply when this final rule becomes effective, and the estimated time to fulfill each new requirement.

[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 E.O. 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] For comparison with the revised burden estimates in this final rule, the supporting justification for the May 2022 ICR is available for review at: *https://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=202203-2130-002.*

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 [8]
§ 214.119 Special approval procedure *(New)*: —(a) Petition for special approval *(New requirement)*.	800 railroads	1 submission	10	10	$891.30

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.'' [9] 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 214

Bridges, Occupational safety and health, Penalties, Railroad safety, Reporting and recordkeeping requirements.

The Final Rule

For the reasons discussed in the preamble, FRA amends part 214 of chapter II, subtitle B of title 49, Code of Federal Regulations as follows:

PART 214—RAILROAD WORKPLACE SAFETY

■ 1. Revise the authority citation for part 214 to read as follows:

Authority: 49 U.S.C. 20102–20103, 20107, 21301–21302, 21304, 28 U.S.C. 2461 note; and 49 CFR 1.89.

■ 2. Add § 214.119 to subpart B to read as follows:

§ 214.119 Special approval procedure.

(a) *General.* The following procedures govern consideration and action upon requests for special approval of alternative standards or for alternative compliance under §§ 214.103, 214.105, 214.107, 214.109, 214.111, 214.113, 214.115, and 214.117.

(b) *Petitions for special approval of alternative standard or of alternative compliance.* Each petition for special approval of an alternative standard or for alternative compliance shall contain—

(1) The name, title, address, email address, and telephone number of the primary person to be contacted with regard to review of the petition;

[8] The dollar equivalent cost is derived from the 2023 Surface Transportation Board Full Year Wage A&B data series using the employee group 200 (Professional & Administrative) hourly wage rate of $50.93 and group 300 (Maintenance of Way & Structures) hourly wage rate of $39.88. The total burden wage rates (Straight time plus 75%) used in the table are $89.13 ($50.93 × 1.75 = $89.13), and $69.79 ($39.88 × 1.75).

[9] 66 FR 28355 (May 22, 2001).

(2) The alternative proposed, in detail, to be substituted for the particular requirements of this part;

(3) Appropriate data or analysis, or both, establishing that the alternative will provide at least an equivalent level of safety; and

(4) A statement affirming that the railroad or railroad contractor has served a copy of the petition on designated representatives of its employees, together with a list of the names and addresses of the persons served; or alternatively, a statement affirming that the railroad or railroad contractor has provided an alternative means of notice, together with a description of the notice provided.

(c) ***Federal Register*** *notice.* FRA will publish a notice in the **Federal Register** concerning each petition under this section.

(d) *Public comment.* Not later than 30 days from the date of publication of the notice in the **Federal Register** concerning a petition under this section, any person may comment on the petition.

(1) Each comment shall set forth specifically the basis upon which it is made, and contain a concise statement of the interest of the commenter in the proceeding.

(2) Each comment shall be submitted to the U.S. Department of Transportation, Docket Operations (M–30), West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590, and shall contain the assigned docket number for that proceeding. The form of such submission may be in written or electronic form consistent with the standards and requirements established by the Federal Docket Management System and posted on its website at *http://www.regulations.gov.*

(e) *Disposition of petitions.* (1) FRA will conduct a hearing on a petition in accordance with the procedures provided in § 211.25 of this chapter.

(2) If FRA finds that the petition complies with the requirements of this section or that the proposed plan is acceptable or changes are justified, or both, the petition will be granted, normally within 90 days of its receipt. If the petition is neither granted nor denied within 90 days, the petition remains pending for decision. FRA may attach special conditions to the approval of the petition. FRA may approve an alternative standard or alternative compliance in lieu of the relief requested by the petition. Following the approval of a petition, FRA may reopen consideration of the petition for cause stated.

(3) If FRA finds that the petition does not comply with the requirements of this section, or that the proposed plan is not acceptable or that the proposed changes are not justified, or both, the petition will be denied, normally within 90 days of its receipt.

(4) When FRA grants or denies a petition, or reopens consideration of the petition, written notice is sent to the petitioner and other interested parties.

§ 214.331 [Removed and Reserved]

■ 3. Remove and reserve § 214.331.

§ 214.333 [Removed and Reserved]

■ 4. Remove and reserve § 214.333.

■ 5. Amend § 214.335 by revising paragraph (a) to read as follows:

§ 214.335 On-track safety procedures for roadway work groups, general.

(a) No employer subject to the provisions of this part shall require or permit a roadway worker who is a member of a roadway work group to foul a track unless on-track safety is provided by either working limits or train approach warning in accordance with the applicable provisions of § 214.319, § 214.321, § 214.323, § 214.325, § 214.327, § 214.329, or § 214.336.

* * * * *

■ 6. Amend § 214.347 by revising paragraph (a)(3) to read as follows:

§ 214.347 Training and qualification for lone workers.

* * * * *

(a) * * *

(3) Rules and procedures prescribed by the railroad for individual train detection and establishment of working limits.

* * * * *

■ 7. Amend § 214.357 by revising paragraph (b)(1) to read as follows:

§ 214.357 Training and qualification for operators of roadway maintenance machines equipped with a crane.

* * * * *

(b) * * *

(1) Procedures for determining that the operator has the skills to operate safely each machine the person is authorized to operate, including but not limited to maintaining vertical clearance; and

* * * * *

■ 8. Amend § 214.513 by revising the section heading and paragraphs (b) and (c) to read as follows:

§ 214.513 Existing on-track roadway maintenance machines; general.

* * * * *

(b) Each existing on-track roadway maintenance machine shall be equipped with a permanent or portable horn or other audible warning device that produces a sound loud enough to be heard by roadway workers and other machine operators within the immediate work area. The triggering mechanism for the device shall be clearly identifiable and within easy reach of the machine operator.

(c) Each existing on-track roadway maintenance machine shall be equipped with a permanent illumination device or a portable light that is securely placed and not hand-held. The illumination device or portable light shall be capable of illuminating obstructions on the track ahead for a distance of 300 feet under normal weather and atmospheric conditions when the machine is operated during the period between one-half hour after sunset and one-half hour before sunrise or in dark areas such as tunnels.

■ 9. Amend § 214.515 by revising paragraph (a) to read as follows:

§ 214.515 Overhead covers for existing on-track roadway maintenance machines.

(a) For existing on-track roadway maintenance machines either currently or previously equipped with overhead covers for the operator's position, defective covers shall be repaired and maintained in accordance with the provisions of § 214.531.

* * * * *

■ 10. Amend § 214.517 by revising the section heading and the introductory text to read as follows:

§ 214.517 Existing on-track roadway maintenance machines manufactured on or after January 1, 1991.

In addition to meeting the requirements of § 214.513, each existing on-track roadway maintenance machine manufactured on or after January 1, 1991, shall have the following:

* * * * *

■ 11. Amend § 214.533 by revising paragraph (d) to read as follows:

§ 214.533 Schedule of repairs subject to availability of parts.

* * * * *

(d) Each employer shall maintain records pertaining to compliance with this section. Records may be kept on forms provided by the employer or by electronic means. The employer shall retain each record for at least one year, and the records shall be made available for inspection and copying during normal business hours by representatives of FRA and States participating under part 212 of this chapter. The records may be kept on the on-track roadway maintenance machine or hi-rail vehicle or at a location designated by the employer, including an electronic system.

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

David A. Fink,

Administrator.

[FR Doc. 2026–17789 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–2025–0119]

RIN 2130–AD55

Regulatory Relief for End of Car Cushioning Units

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

ACTION: Final rule.

SUMMARY: This rule amends freight car draft arrangement and end-of-car cushioning unit (EOCC) regulations to make permanent relief currently provided by waiver. The amendments will allow a freight car to remain in service if the EOCC is operative and equipped with a unit condition indicator (UCI) that indicates a non-discharged EOCC. This change will permit such EOCCs to remain in service despite the presence of clearly formed oil droplets on the unit. The amendments preserve the requirement to repair or replace an EOCC with clearly formed oil droplets if the unit does not have a UCI.

DATES: This rule is effective September 30, 2026.

FOR FURTHER INFORMATION CONTACT: Caleb Rogers, Mechanical Engineer, Office of Railroad Safety, at email: *caleb.rogers@dot.gov* or telephone: 202–579–5198 or Elliott Gillooly, Attorney Adviser, at email: *elliott.gillooly@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.

On July 1, 2025, FRA published a notice of proposed rulemaking (NPRM) to address a request from the Association of American Railroads (AAR) to incorporate regulatory relief currently granted through an FRA waiver [1] into part 215 by allowing freight cars with an EOCC that has leaked clearly formed droplets to remain in service if the cushioning unit is otherwise operational and equipped with a UCI that shows the unit has adequate pressure despite the presence of leaked oil on the exterior of the unit. 90 FR 28636 (July 1, 2025).

An EOCC is a device installed on the ends of railroad freight cars designed to absorb shocks and forces during rail operations (similar in purpose to shock absorbers on motor vehicles). An EOCC must contain sufficient oil for the unit to function as designed (*i.e.,* for the unit to absorb energy adequately from in-train forces and potential impacts). Accordingly, FRA's Railroad Freight Car Safety Standards, 49 CFR part 215, prohibit a rail car from continuing in service if its EOCC is broken or inoperative (§ 215.129), which is a requirement that remains in force. FRA is removing § 215.127(c), which prohibits a freight car continuing in service if the EOCC is leaking "clearly formed droplets," even though the EOCC may still be operational. FRA is making conforming changes to § 215.129, to address the difference between EOCCs that have a UCI and those that do not and apply this approach to both EEOCs and center-of-car cushioning units (COCCs). As amended in this final rule, § 215.129 now applies the same standards to both EOCCs and COCCs, specifically when evaluating whether there is a fluid leak indicative of a defective cushioning unit.

FRA received six comment letters responding to the NPRM. In support of the amendments proposed in the NPRM, Amsted Rail Company, Inc. (Amsted Rail) [2] stated that it is the largest manufacturer of EOCCs for the North American freight railroad industry. Amsted Rail observed that EOCCs are typically installed in railcars carrying expensive or fragile lading and that approximately 16.75 percent (over 274,000 cars) in the overall railcar fleet are equipped with EOCCs. According to Amsted Rail, UCIs now in service meet AAR specification M–921H and, thus, provide a reliable indication of whether cushioning units to which they are applied are acceptable for rail service or require maintenance. Unnecessary EOCC removals from service are costly to both the railroad and the freight car owner, and Amsted Rail supports codifying the regulatory relief provided by waiver since 2013 because UCIs have been proven reliable over time.

AAR and the American Short Line and Regional Railroad Association (ASLRRA) filed comments jointly.[3] AAR and ASLRRA commented that UCIs operate as a gauge of sufficient internal pressure to monitor the condition of a railcar's EOCC. The use of UCIs allows railroads to make more accurate determinations than relying on visual observations of "clearly formed droplets" when assessing if the EOCC is defective. AAR data shows that, since the waiver allowing railroads to rely on UCIs for the determination that an EOCC lacks sufficient pressure has been in place, the number of EOCCs removed from service has increased. AAR and ASLRRA commented that effective use of UCIs protects railroad employees from needless exposure to switching hazards and hazards related to jacking freight cars and removing and replacing heavy cushioning units because railroads can leave fully functioning cushioning units in place. They also noted that the regulatory relief proposed in the NPRM would relieve the associations from the costs of submitting waiver petitions every five years.

Four organizations filed comments in opposition to the regulatory relief proposed in the NPRM: the Brotherhood Railway Carmen Division of the Transportation Communications Union (BRC),[4] the Brotherhood of Locomotive Engineers and Trainmen, a Division of the Rail Conference of the International Brotherhood of Teamsters (BLET),[5] the Transportation Trades Department, AFL–CIO (TTD),[6] and the Transportation Division of the International Association of Sheet Metal, Air, Rail and Transportation Workers (SMART–TD).[7] Each of these organizations raised concerns with allowing EOCCs to remain in service despite the presence of clearly formed oil droplets. The organizations generally

[1] Available at *https://www.regulations.gov* under Docket No. FRA–2013–0077.

[2] *https://www.regulations.gov/comment/FRA-2025-0119-0002.*

[3] *https://www.regulations.gov/comment/FRA-2025-0119-0007.*

[4] *https://www.regulations.gov/comment/FRA-2025-0119-0005.*

[5] *https://www.regulations.gov/comment/FRA-2025-0119-0003.*

[6] *https://www.regulations.gov/comment/FRA-2025-0119-0006.*

[7] *https://www.regulations.gov/comment/FRA-2025-0119-0004.*