(there may be different signal and train control systems);

(vii) Whether there is a single Internal Control Plan or a single reporting or claims officer; and

(viii) Whether there is a single dispatching center.

(3) Supporting evidence or documentation, to the extent reasonably practicable, to support the parent corporation's assertion that the subsidiary railroads operate as a single, seamless, integrated railroad system. If it is not practical to submit documentation for certain factors, the parent corporation should identify the location of the supporting evidence.

(4) A point of contact at the parent corporation and all subsidiary railroads to address agency questions related to the consolidated reporting petition.

(c) The request must be sent via email to *RsisAiReports@dot.gov*. Each request received shall be acknowledged in writing via email and shall contain the docket number assigned to the request.

(d) FRA will notify the applicant parent corporation of the agency's decision within 60 days of receipt of the application. This deadline will be tolled pending any FRA requests to the parent corporation or subsidiary railroads for missing or additional information needed for the agency to reach a decision.

(e) If FRA approves the request, the parent corporation must enter into a written agreement with FRA specifying which subsidiaries are included in its railroad system, agreeing to assume responsibility for compliance with this part for all named subsidiaries making up the system, and consenting to guarantee any monetary penalty assessments or other liabilities owed to the United States government that are incurred by the named subsidiaries for violating Federal accident/incident reporting requirements. Any change in the subsidiaries making up the railroad system requires immediate notification to FRA and execution of an amended agreement. Executed agreements will be published in the docket for the petition.

■ 4. Revise and republish § 225.7 to read as follows:

§ 225.7 Use of reports.

49 U.S.C. 20903 provides that monthly reports filed by railroads under § 225.11 may not be admitted as evidence or used for any purpose in any action for damages growing out of any matters mentioned in these monthly reports. The Employee Human Factor Attachment, Notice, and Employee Supplement under § 225.12 are part of the reporting railroad's accident report to FRA pursuant to 49 U.S.C. 20901 and, as such, shall not ''be admitted as evidence or used for any purpose in any suit or action for damages growing out of any matter mentioned in said report * * *.'' 49 U.S.C. 20903.

■ 5. In § 225.12, revise paragraph (h)(2) to read as follows:

§ 225.12 Rail Equipment Accident/Incident Reports alleging employee human factor as cause; Employee Human Factor Attachment; notice to employee; employee supplement.

* * * * *

(h) * * *

(2) Any person who knowingly and willfully files a false Supplement is subject to a fine under title 18 of the U.S. Code, imprisonment for up to two years, or both, in accordance with 49 U.S.C. 21311(a).

■ 6. In § 225.13, revise the first sentence to read as follows:

§ 225.13 Late reports.

Whenever a railroad discovers that a report of an accident/incident, through mistake or otherwise, has been improperly omitted from or improperly reported on its regular monthly accident/incident report, a report covering this accident/incident together with a letter of explanation must be submitted immediately by email to *RsisAiReports@dot.gov*. * * *

§ 225.25 [Amended]

■ 7. In § 225.25, in paragraph (f), remove ''seven working days'' and add in its place ''15 calendar days''.

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

David A. Fink,

Administrator.

[FR Doc. 2026–17791 Filed 8–28–26; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

49 CFR Part 225

[Docket No. FRA–2025–0124]

RIN 2130–AD59

Retiring Form FRA F 6180.107 and Form FRA F 6180.150

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

ACTION: Final rule.

SUMMARY: This rule retires Form FRA F 6180.107, ''Alternative Record for Illnesses Claimed to be Work-Related'' (Form 6180.107), and Form FRA F 6180.150, ''Highway User Injury Inquiry Form'' (Form 6180.150). This rule also changes the record retention period required under FRA's accident reporting regulations and makes other technical corrections.

DATES: This rule is effective September 30, 2026.

FOR FURTHER INFORMATION CONTACT: Michael Wissman, Railroad Safety Specialist, Part 225, FRA, telephone: 610–314–5729, email: *michael.wissman@dot.gov;* or Michael C. Spinnicchia, Attorney Adviser, FRA, telephone: 202–713–7671, email: *michael.spinnicchia@dot.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

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

On July 1, 2025, FRA published a notice of proposed rulemaking (NPRM) that proposed retiring Form 6180.107 and Form 6180.150 and changed the record retention period for most accident reporting forms to three years.[1]

FRA received four comments. The Association of American Railroads (AAR) and the American Short Line and Regional Railroad Association (ASLRRA) (in a joint comment)[2] and Fort Worth & Western Railroad (FWWR) in a separate comment[3] wrote in support of this NPRM. They contended that these forms are rarely used and that this rule would eliminate an unnecessary administrative burden that did not produce any safety benefit. The Brotherhood of Locomotive Engineers and Trainmen (BLET)[4] and the International Association of Sheet Metal, Air, Rail, and Transportation Workers—Transportation Division (SMART–TD)[5] (collectively, ''the labor organizations'') both submitted a comment opposing the NPRM. The labor organizations asserted that even if these forms are rarely used, they can

[1] 90 FR 28651 (July 1, 2025).

[2] *https://www.regulations.gov/comment/FRA-2025-0124-0005.*

[3] *https://www.regulations.gov/comment/FRA-2025-0124-0003.*

[4] *https://www.regulations.gov/comment/FRA-2025-0124-0002.*

[5] *https://www.regulations.gov/comment/FRA-2025-0124-0004.*

still provide important data, and the elimination of these forms could reduce the accuracy of the safety data FRA receives.

In response to this feedback, FRA is proceeding with the changes it proposed in the NPRM. FRA discusses these comments further in the Section-by-Section Analysis.

II. Section-by-Section Analysis

Section 225.21 Forms; Section 225.25 Recordkeeping

In the NPRM, FRA proposed retiring Form 6180.107 which is an alternate form railroads can use to record illnesses that are claimed by an employee to be work-related, but where there is insufficient information for the railroad to determine work-relatedness. AAR, ASLRRA, and FWWR supported FRA retiring this form. They all commented that retiring this form would reduce redundancy and they agreed with FRA that the form had not achieved its desired goals as it is rarely used.[6] They also noted that under 49 CFR 225.21(h), railroads are allowed to use alternative designed forms from the Form FRA F 6180.98, ''Railroad Employee Injury and/or Illness Record'' (Form 6180.98). Therefore, if a railroad wanted to use Form 6180.107 after the form is retired, it could create a form that is designed like the Form 6180.107.

In contrast, both BLET and SMART–TD opposed retiring this form. BLET asserted that even if the form is rarely used, there is no rationale for removing an option for workers to document injuries and illnesses, and in doing so, this proposed change would reduce the accuracy and reliability of FRA safety data.[7] BLET also contended that if FRA intends to permit the use of railroad-designed forms in lieu of Form 6180.107, it should maintain the regulatory text found in 49 CFR 225.21(j) and 225.25(i) and (j) to facilitate such reporting. SMART–TD asserted that the low use of this form does not equate to a lack of value and is more likely due to railroad resistance or a lack of training about this form.[8] In addition, SMART–TD lauded Form 6180.107 as a neutral way to record illnesses where work-relatedness is undetermined and to preserve an auditable trail for FRA.

FRA finds the labor organizations' arguments unconvincing. As FRA noted in the NPRM and AAR, ASLRRA, and FWWR mentioned in their comments, if railroads find Form 6180.107 helpful with their accident reporting, they are welcome to continue using a variation of this form even after it is retired. Although some railroads may continue to use a variation of Form 6180.107 after this final rule goes into effect, the fact that one railroad and two associations representing railroads commented in support of retiring this form is illustrative. Further, after this final rule goes into effect, if railroads wish to refer to the regulatory text addressing Form 6180.107 (49 CFR 225.21(j) and 225.25(i) and (j)), as BLET suggested, they can find this language in previous versions of the CFR. FRA sees no reason to maintain regulatory text for a form the agency is retiring.

Next, BLET's contention that this change reduces the accuracy and reliability of FRA safety data is not supported by any evidence. With respect to SMART–TD's comment that this form preserves an auditable trail for FRA, FRA's part 225 audit team has found that because this form has more onerous requirements (as described in 49 CFR 225.25(i)) than the Form 6180.98, it is rarely used by railroads. Thus, the Form 6180.107 has minimal value during part 225 audits and retirement of the form is warranted. Although SMART–TD's comment that the low use of this form is more likely due to railroad resistance or lack of training, unless FRA were to mandate the use of this form, any railroad resistance to this form would be difficult to overcome. As FRA has found very limited benefits to this form, the agency sees no reason to mandate its use or to apply resources towards training railroads about this form.

FRA also proposed retiring Form 6180.150, which railroads are required to send to highway users that are potentially injured in highway-rail grade crossing accidents. AAR, ASLRRA, and FWWR supported retiring this form. They agreed with FRA that the purported goals of this form (making it easier for railroads to determine whether a highway user incurred a reportable injury) have not been attained. AAR and ASLRRA noted that their member railroads advised them that they very rarely, if ever, receive a response from the highway user. AAR, ASLRRA, and FWWR stated that this form does not provide any safety benefit and retiring the form will reduce paperwork and administrative burdens for railroads.

Both BLET and SMART–TD opposed retiring this form. BLET asserted that even if only one percent of highway users return the form, that one percent is providing valuable safety information. BLET also alleged that FRA has not provided any evidence that these forms are overly burdensome or provide inaccurate data, and the labor organization would discuss with FRA additional ways to capture more data. SMART–TD commented that Form 6180.150 ensures railroads make diligent efforts when making reportability determinations and that FRA should modernize how highway users can access and submit the form. Specifically, SMART–TD asserted that FRA should allow highway users to access the form through a Quick Response code, have fillable web forms, and submit the form electronically. In addition, the form should be multilingual and railroads should have to document their outreach attempts and report them to FRA. SMART–TD alleged that eliminating this form will make it more difficult to hold railroads accountable for highway-rail grade crossing accidents.

After reviewing the comments on FRA's proposal to retire Form 6180.150, FRA determined retiring this form is warranted. AAR, ASLRRA, and FWWR all supported FRA's argument in the NPRM that this form is rarely returned by highway users and the labor organizations did not dispute this contention. BLET asserted that despite a low response rate, such forms provide valuable safety information, but FRA must be mindful of the burden it places on railroads and the safety benefit that results from such burden. Currently, railroads must hand deliver, or send by first class mail, this form to every potentially injured highway user, or their representative, involved in a highway-rail grade crossing accident. Railroads must also maintain records of their efforts to contact highway users. This represents a significant burden for railroads with very little safety benefit. During part 225 audits, FRA representatives have reviewed some of the forms that highway users returned and based on that review, FRA has determined that even when these forms are returned, they do not provide a substantial enough safety benefit to warrant the continued burden on the railroads.

SMART–TD suggested that instead of eliminating this form, FRA should modernize the form by allowing highway users to complete the form electronically and making the form multilingual. FRA is unaware of any evidence that such changes would lead to a significant increase in returned forms. FRA would also have to expend substantial resources towards

[6] *https://www.regulations.gov/comment/FRA-2025-0124-0003; https://www.regulations.gov/comment/FRA-2025-0124-0005.*

[7] *https://www.regulations.gov/comment/FRA-2025-0124-0002.*

[8] *https://www.regulations.gov/comment/FRA-2025-0124-0004.*

modernizing this form and making it multilingual. Without any confidence that such efforts would provide a tangible safety benefit, the agency declines to proceed in this manner. FRA is also unpersuaded by SMART–TD's argument that eliminating this form will make it more difficult to hold railroads accountable for highway-rail grade crossing accidents. Even after the Form 6180.150 is retired, railroads will still be required to report any highway-rail grade crossing accident on Form FRA F 6180.57, ''Highway-Rail Grade Crossing Accident/Incident Report.'' Therefore, it is unclear how this change will harm railroad accountability.

FRA also received general comments both in support of and in opposition to retiring these forms. AAR, ASLRRA, and FWWR stated that retiring these forms is consistent with the President's deregulatory agenda as it reduces unnecessary administrative burdens that do not produce any safety benefits. FRA agrees and is proceeding with retiring these forms.

SMART–TD expressed concern that these proposed changes will give railroads more control over the content and format of their forms which may lead to the suppression of information that FRA and workers rely upon. The labor organization also stated that this will degrade the ability to compare part 225 data across railroads which will adversely affect trend analysis, research, rulemaking efforts, and worker safety. SMART–TD contended that while the NPRM overstated the cost savings of these proposed changes, it also failed to consider the costs that will accrue from eliminating these forms due to underreporting of accidents, litigation exposure, and delays to hazard abatement.

FRA disagrees that these changes will give railroads more control over the content and format of their forms because this rule is simply eliminating two forms; it is not providing railroads greater discretion with respect to the forms they use. Since most railroads were not using Form 6180.107, the only change for most railroads will be not having to send Form 6180.150 to highway users, but this will have no bearing on the ''content and format'' of the other forms the railroads still use. FRA also finds SMART–TD's argument that this will degrade the ability to compare part 225 data across railroads unavailing for two reasons. First, railroads were not required to submit these two forms to FRA; thus, FRA was typically only privy to the data in these forms during audits where FRA's main purpose in reviewing the forms was to ensure compliance with part 225, not to use the data for research purposes or trend analysis. Second, since Form 6180.107 was rarely used and Form 6180.150 was rarely returned by highway users, these forms provided minimal data. Thus, retiring these forms will have minimal costs, and SMART–TD's claim that there will be an adverse effect on safety is unsupported. Even though SMART–TD argued that FRA overstated the cost savings, AAR, ASLRRA, and FWWR all agreed with FRA that these forms impose administrative burdens on railroads and their elimination will lower costs for railroads.

Lastly, SMART–TD argued that retiring these forms will shift a railroad's burden from completing these forms to performing ad hoc correspondence and follow-up. Instead of retiring these forms, SMART–TD seemed to suggest FRA should impose more stringent requirements if a railroad chooses to use an alternative-designed form. In particular, SMART–TD stated FRA should only allow alternative-designed forms if the railroad could demonstrate equal or better response rates and data completeness compared to the FRA forms. FRA does not agree that retiring these forms will lead to railroads spending more time performing ad hoc correspondence and follow-up, but even if that was true, this additional time spent would pale in comparison to the time railroads will save by not filling out these forms and not mailing the Form 6180.150 to highway users. If this rule was likely to increase the paperwork and administrative burden on railroads, it is unlikely AAR, ASLRRA, and FWWR would have submitted comments in support of this rule. Since FRA is proceeding with retiring these forms, it is not adopting SMART–TD's suggestion of imposing more stringent requirements on alternative versions of these forms. Thus, FRA amends §§ 225.21 and 225.25 as proposed.

Section 225.27 Retention of Records

In the NPRM, FRA proposed creating a three-year retention period for all forms listed in paragraph (a) of this section. SMART–TD asserted that shortening the retention period will increase the burden on small contractors and short line railroads who must navigate non-uniform carrier demands while still satisfying FRA audits. SMART–TD requested that FRA keep the retention period at five years for illness/injury and human factor records. FRA is unclear how this change will increase the burden on small contractors and short line railroads as SMART–TD did not elaborate on this claim. ASLRRA, who represents short line railroads, did not raise this concern in its comment, and if any railroad finds a shorter record retention period will somehow increase its administrative burden, that railroad can always choose to retain its records longer than the FRA-imposed minimum requirement. In response to SMART–TD's request that FRA *keep* the retention period at five years for certain forms, FRA notes that this final rule increases the retention period for human factor forms from two years to three years.[9] As for illness/injury forms, SMART–TD did not provide any explanation for why these forms should be retained for five years. FRA finds this burden unnecessary as a retention period of three years is sufficient to meet FRA's audit needs. Thus, FRA amends § 225.27 as proposed.

Section 225.33 Internal Control Plans

Since FRA proposed retiring Form 6180.107, and paragraph (a)(11) of this section pertains to that form, FRA proposed removing this paragraph. SMART–TD commented that FRA should keep this paragraph to maintain clear accountability for contested illness records and it should update the FRA Guide for Preparing Accident/Incident Reports ''to reinforce the neutral status and required content for contested-illness documentation.'' Because FRA is proceeding with retiring Form 6180.107, there is no need to adopt these suggestions from SMART–TD. Thus, FRA amends § 225.33 as proposed.

Lastly, FRA will revise the FRA Guide for Preparing Accident/Incident Reports in accordance with the changes to part 225 finalized in this rulemaking.

III. Regulatory Impact and Notices

A. Executive Order 12866 (Regulatory Planning and Review) and DOT Regulatory Policies and Procedures

FRA has considered the impact of this final rule under E.O. 12866 (58 FR 51735, Oct. 4, 1993), *Regulatory Planning and Review,* and DOT Regulatory Policies and Procedures.[10] The Office of Information and Regulatory Affairs within the Office of Management and Budget (OMB) determined that this final rule is not a

[9] *See* 49 CFR 225.27(a)(2)(ii)–(iii).

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

significant regulatory action under section 3(f) of E.O. 12866.

FRA analyzed the potential costs and benefits of this rule and considered comments from the public. FRA concluded that this rule may impart minimal additional burden on regulated entities, but overall would provide greater relief to railroads. Regulated entities may see a minimal increased burden to retain certain forms for an additional year under the final rule. However, those same entities would also see a decreased burden by other forms that have a shorter retention period (three years instead of five years). FRA expects any potential additional burden to be outweighed by the benefits of this final rule, and therefore estimates the rule to be overall cost beneficial. Because this rule would retire two FRA forms and change the retention period under § 225.27(a), this rule would provide qualitative benefits by requiring regulated entities to complete fewer forms and require less storage and retention. This rule will also provide flexibility by clarifying, simplifying, and updating the language of part 225.

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.'' [11] Implementation guidance for E.O. 14192 issued by OMB (Memorandum M–25–20, March 26, 2025) defines two different types of E.O. 14192 actions: an E.O. 14192 deregulatory action, and an E.O. 14192 regulatory action.[12]

An E.O. 14192 deregulatory action is defined as ''an action that has been finalized and has total costs less than zero.'' This rulemaking is expected to have total costs less than zero, and therefore it would be considered an E.O. 14192 deregulatory action upon issuance of this rule.

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,[13] 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 rule may impart minimal additional burden under part 225 to some railroads, but overall would provide greater relief to railroads. This rule offers flexibilities that would result in cost savings. By extending this regulatory relief, many regulated entities, including small entities, will experience a cost savings.

A commenter mentioned that Form 6180.107 provides a neutral way to record illnesses claimed as work-related when work-relatedness is undetermined, especially for the short line railroads (which may be considered small entities). FRA restates that this rule reduces redundancy because under § 225.21(h), railroads are allowed to use alternative designed forms from the Form 6180.98. Therefore, if a railroad wanted to use Form 6180.107 after the form is retired, it could create a form that is designed like the Form 6180.107.

For the reasons stated in the preamble and elsewhere in this rule, while some small entities may be impacted by this final rule, FRA does not anticipate any of the impacts to be significant. Consequently, FRA certifies that this 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, 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 2130–0500, corresponding to part 225. On December 5, 2023, OMB approved FRA's last information collection request (ICR) corresponding to part 225, containing 30,284 burden hours.

With this final rule, the paperwork burden in 49 CFR part 225, by retiring Form 6180.107 and Form 6180.150, will reduce the currently approved total burden of 30,284 by 877 hours for a revised estimate of 29,407 hours.

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 notify the agency involved of its decision on 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

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

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

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

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.'' [14] 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 225

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

The Final Rule

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

[14] 66 FR 28355 (May 22, 2001).

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

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

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

■ 2. Revise § 225.3(b) introductory text to read as follows:

§ 225.3 Applicability.

* * * * *

(b) The Internal Control Plan requirements in § 225.33(a)(3) through (a)(10) do not apply to:

* * * * *

§ 225.21 [Amended]

■ 3. Amend § 225.21 by removing paragraphs (j) and (k).

§ 225.25 [Amended]

■ 4. Amend § 225.25 by removing paragraphs (i) and (j).

■ 5. Revise § 225.27(a) to read as follows:

§ 225.27 Retention of records.

(a) Each railroad shall retain all of the following records for at least three years after the end of the calendar year to which they relate:

(1) Form FRA F 6180.98, ''Railroad Employee Injury and/or Illness Record.''

(2) Monthly List of Injuries and Illnesses required by § 225.25.

(3) Form FRA F 6180.97, ''Initial Rail Equipment Accident/Incident Record'' required by § 225.25.

(4) The Employee Human Factor Attachments (Form FRA F 6180.81, ''Employee Human Factor Attachment'') required by § 225.12, that have been received by the railroad.

(5) The written notices to employees required by § 225.12 (Part I of Form FRA F 6180.78, ''Notice to Railroad Employee Involved in Rail Equipment Accident/Incident Attributed to Employee Human Factor; Employee Statement Supplementing Railroad Accident Report''), that have been received by the railroad.

(6) The employee statements supplementing railroad accident reports described in § 225.12(g) (Part II of Form FRA F 6180.78, ''Notice to Railroad Employee Involved in Rail Equipment Accident/Incident Attributed to Employee Human Factor; Employee Statement Supplementing Railroad Accident Report''), that have been received by the railroad.

* * * * *

§ 225.33 [Amended]

■ 6. Amend § 225.33 by removing paragraph (a)(11).

■ 7. Revise § 225.35(b) to read as follows:

§ 225.35 Access to records and reports.

* * * * *

(b) Each railroad subject to this part shall also provide to any representative of the Federal Railroad Administration or of a State agency participating in investigative and surveillance activities under part 212 of this chapter or any other authorized representative access to relevant medical and claims records for examination and photocopying in a reasonable manner during normal business hours. Such representatives shall display proper credentials when requested. Each railroad shall identify the locations where a copy of any record and report required under this part is accessible for inspection and photocopying by maintaining a list of such establishment locations at the office where the railroad's reporting officer conducts his or her official business. A copy of any record and report required under this part shall be accessible within four business hours after the request. FRA will not assess a monetary penalty against the railroad for its failure to provide the requested documentation when circumstances outside the railroad's control preclude it from fulfilling the four-business-hour time limit and the railroad has made a reasonable effort to correct the problem. Should a railroad assert a legal privilege with respect to certain claims and medical records, failure to provide FRA access to such records would not constitute a violation of this section. FRA retains the right to issue a subpoena to obtain such records under 49 U.S.C. §§ 20107 and 20902 and §§ 209.7(a) and 225.31(a)(2) of this title, and the railroad may contest that subpoena.

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

David A. Fink,

Administrator.

[FR Doc. 2026–17790 Filed 8–28–26; 8:45 am]

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