



## DEPARTMENT OF TRANSPORTATION

### Federal Railroad Administration

#### 49 CFR Part 241

[Docket No. FRA-2025-0108]

[RIN 2130-AD33]

### Administrative Updates to the United States Locational Requirement for Dispatching of United States Rail Operations Regulations

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

**ACTION:** Final rule.

**SUMMARY:** This rule makes administrative updates to FRA's U.S. locational requirement for dispatching of U.S. rail operations regulations, including updating addresses in those regulations.

**DATES:** *Effective* [INSERT DATE OF PUBLICATION IN THE FEDERAL REGISTER].

**FOR FURTHER INFORMATION CONTACT:** Veronica Chittim, Senior Attorney, Office of Safety Law, Office of the Chief Counsel, FRA, 1200 New Jersey Avenue, SE, Washington, DC 20590 (telephone 202-480-3410), [veronica.chittim@dot.gov](mailto:veronica.chittim@dot.gov); or Lucinda Henriksen, Senior Advisor, Office of Railroad Safety, FRA (telephone 202-657-2842), [lucinda.henriksen@dot.gov](mailto:lucinda.henriksen@dot.gov).

#### SUPPLEMENTARY INFORMATION:

##### I. Background

Consistent with the deregulatory agenda of President Donald J. Trump and Secretary of Transportation Sean P. Duffy, which seeks to unleash America's economic prosperity without compromising transportation safety, and as described in more detail

below, this rule is making miscellaneous, administrative updates to its regulations in 49 CFR part 241. These changes include updating addresses that are no longer valid.

## **II. Section-by-Section Analysis**

### *Part 241*

#### *§ 241.9 Prohibition against extraterritorial dispatching; exceptions*

Section 241.9(a) contains an erroneous reference to § 241.7(d) as § 241.7 does not have a paragraph (d). FRA is revising § 241.9(a) to refer to § 241.7, *Waivers*, generally.

FRA is revising § 241.9(c)(1) to refer to the “Safety Management Team Railroad Administrator” instead of the “FRA Regional Administrator.” FRA is also revising § 241.9(c)(3) to remove the reference to appendix C and instead refer to FRA’s website (<https://railroads.dot.gov/divisions/regional-offices/safety-management-teams>) for the contact information for FRA safety management teams. These amendments are being made to ensure information gets to the relevant Safety Management Team.

#### *§ 241.11 Prohibition against conducting a railroad operation dispatched by an extraterritorial dispatcher; exceptions*

Section 241.11(a) contains an erroneous reference to § 241.5(d) as § 241.5(d) does not exist. FRA is revising § 241.11(a) to refer to § 241.7, *Waivers*, generally.

FRA is revising § 241.11(c)(1) to refer to the “Safety Management Team Railroad Administrator” instead of the “FRA Regional Administrator.” FRA is also revising § 241.11(c)(3) to remove the reference to appendix C and instead refer to FRA’s website (<https://railroads.dot.gov/divisions/regional-offices/safety-management-teams>) for the list of FRA safety management teams.

#### *§ 241.13 Prohibition against track owner’s requiring or permitting use of its line for a railroad operation dispatched by an extraterritorial dispatcher; exceptions*

FRA is revising § 241.13(a) to refer to § 241.7, *Waivers*, to be consistent with the revised language in § 241.9(a) and § 241.11(a).

FRA is revising § 241.13(c)(1) to refer to the “Safety Management Team Railroad Administrator” instead of the “FRA Regional Administrator.”

*§ 241.15 Penalties and other consequences for noncompliance.*

FRA is amending § 241.15(a) by replacing references to specific penalty amounts with general references to the minimum civil monetary penalty, ordinary maximum civil monetary penalty, and aggravated maximum civil monetary penalty. FRA is adding language to this section referring readers to 49 CFR part 209, appendix A, where FRA will continue to specify statutorily provided civil penalty amounts updated for inflation. FRA also incorporated a reference to <https://railroads.dot.gov/> for a statement of agency civil penalty policy.

*Appendix C Geographical Boundaries of FRA’s Districts and Addresses of FRA’s District Headquarters*

FRA is removing 49 CFR part 241, appendix C, entirely. The contact information therein is outdated, and relevant information can instead be obtained on FRA’s public website (<https://railroads.dot.gov/divisions/regional-offices/safety-management-teams>).

### **III. Public Participation**

Under the Administrative Procedure Act (APA), an agency may waive the normal notice and comment procedures if the action is a rule of agency organization, procedure, or practice. 5 U.S.C. 553(b)(A). Additionally, under the APA, an agency may waive notice and comment procedures when the agency for good cause finds that notice and public procedure are impracticable, unnecessary, or contrary to the public interest. 5 U.S.C. 553(b)(B). Since this final rule merely makes miscellaneous, administrative updates to the CFR, such as updating web addresses, it would not benefit from public comment, and notice and comment is not necessary.

### **IV. Regulatory Impact and Notices**

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

FRA has evaluated this final rule in accordance with E.O. 12866, Regulatory Planning and Review (58 FR 51735, Oct. 4, 1993), and DOT Order 2100.6B, Policies and Procedures for Rulemaking (Mar. 10, 2025). 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.

Because this final rule makes administrative changes such as replacing references to specific penalty amounts with general references to the minimum civil monetary penalty, ordinary maximum civil monetary penalty, and aggravated maximum civil monetary penalty, referring readers to the CFR, and updating web addresses, this final rule imparts no additional burdens on regulated entities. Moreover, this rule will provide some qualitative benefits to regulated entities and the U.S. government, by updating the language of part 241 to direct regulated entities to the appropriate agency subject matter expert to ensure information gets to the specific discipline. This rule also corrects erroneous CFR section references and removes outdated sections, resulting in less confusion by the regulated entities.

**B. E.O. 14192 (Unleashing Prosperity Through Deregulation)**

E.O. 14192, Unleashing Prosperity Through Deregulation (90 FR 9065, Jan. 31, 2025), requires that for “each new [E.O. 14192 regulatory action] issued, at least ten prior regulations be identified for elimination.”<sup>1</sup> Implementation guidance for E.O. 14192 issued by OMB (Memorandum M-25-20, March 26, 2025) defines two different types of

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<sup>1</sup> Executive Office of the President. *Executive Order 14192 of January 31, 2025. Unleashing Prosperity Through Deregulation.* 90 FR 9065-9067. Feb. 6, 2025.

E.O. 14192 actions: an E.O. 14192 deregulatory action, and an E.O. 14192 regulatory action.<sup>2</sup>

An E.O. 14192 deregulatory action is defined as “an action that has been finalized and has total costs less than zero.” This final rule is expected to have total costs less than zero, and therefore it would be considered an E.O. 14192 deregulatory action.

### **C. Regulatory Flexibility Act and E.O. 13272**

The Regulatory Flexibility Act of 1980 ((RFA), 5 U.S.C. 601 *et seq.*) and E.O. 13272 (67 FR 53461, Aug. 16, 2002) require an agency to prepare and make available to the public a regulatory flexibility analysis that describes the effect of the rule on small entities (*i.e.*, small businesses, small organizations, and small governmental jurisdictions). A regulatory flexibility analysis is not required when a rule is exempt from notice and comment rulemaking. FRA has determined that this rule is exempt from notice and comment rulemaking. Therefore, a regulatory flexibility analysis is not required for this rule.

### **D. Paperwork Reduction Act**

This rule offers regulatory flexibilities, and there are no new information collection requirements, in accordance with the Paperwork Reduction Act of 1995, 44 U.S.C. 3501 *et seq.*, therefore, an information collection submission to the Office of Management and Budget (OMB) is not required. The recordkeeping and reporting requirements already contained in part 241 became effective when it was approved by OMB on April 5, 2024. The OMB control number is 2130-0556, and OMB approval expires on April 30, 2027.

### **E. Environmental Assessment**

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<sup>2</sup> 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.

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 5610.1C, FRA has determined that this rule is categorically excluded pursuant to 23 CFR 771.118(c)(4), “[p]lanning and administrative activities that do not involve or lead directly to construction, such as: [p]romulgation of rules, regulations, and directives.” 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.” FRA has evaluated this rule in accordance with E.O. 13211 and determined that this 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, (Nov. 6, 2000). The final rule would not have a substantial direct effect on one or more Indian tribes, would not impose substantial direct compliance costs on Indian tribal governments, and would 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 U.S. 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 rulemaking 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 U.S.

### **List of Subjects in 49 CFR Part 241**

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

### **The Final Rule**

In consideration of the foregoing, FRA amends part 241 of chapter II, subtitle B of title 49, Code of Federal Regulations as follows:

### **PART 241—UNITED STATES LOCATIONAL REQUIREMENT FOR DISPATCHING OF UNITED STATES RAIL OPERATIONS**

1. The authority citation for part 241 continues to read as follows:

**Authority:** 49 U.S.C. 20103, 20107, 21301, 21304, 21311; 28 U.S.C. 2461 note; 49 CFR 1.89.

2. In § 241.9, revise paragraphs (a) and (c) to read as follows:

**§ 241.9 Prohibition against extraterritorial dispatching; exceptions.**

(a) *General.* Except as provided in § 241.7 and paragraphs (b) and (c) of this section, a railroad subject to this part shall not require or permit a dispatcher located outside the United States to dispatch a railroad operation that occurs in the United States if the dispatcher is employed by the railroad or by a contractor to the railroad.

\* \* \* \* \*

(c) *Emergencies.* (1) In an emergency situation, a railroad may require or permit one of its dispatchers located outside the United States to dispatch a railroad operation that occurs in the United States, provided that:

(i) The dispatching railroad notifies the Safety Management Team Railroad Administrator, in writing as soon as practicable, of the emergency; and

(ii) The extraterritorial dispatching is limited to the duration of the emergency.

(2) Written notification must be made by electronic mail.

(3) A list of the FRA Safety Management Teams and contact information is available at <https://railroads.dot.gov/divisions/regional-offices/safety-management-teams>.

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3. In § 241.11, revise paragraphs (a) and (c) to read as follows:

**§ 241.11 Prohibition against conducting a railroad operation dispatched by an extraterritorial dispatcher; exceptions.**

(a) *General.* Except as provided in § 241.7 and paragraphs (b) and (c) of this section, a railroad subject to this part shall not conduct, or contract for the conduct of, a railroad operation in the United States that is dispatched from a location outside of the United States.

\* \* \* \* \*

(c) *Emergencies.* (1) In an emergency situation, a railroad may conduct, or contract for the conduct of, a railroad operation in the United States that is dispatched from a location outside the United States, provided that:

(i) The dispatching railroad notifies the Safety Management Team Railroad Administrator by e-mail, as soon as practicable, of the emergency; and

(ii) The extraterritorial dispatching is limited to the duration of the emergency.

(2) A list of the FRA Safety Management Teams and contact information is available at <https://railroads.dot.gov/divisions/regional-offices/safety-management-teams>.

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4. In § 241.13, revise paragraphs (a) and (c)(1) to read as follows:

**§ 241.13 Prohibition against track owner's requiring or permitting use of its line for a railroad operation dispatched by an extraterritorial dispatcher; exceptions.**

(a) *General.* Except as provided in § 241.7 and paragraphs (b) and (c) of this section, an owner of railroad track located in the United States shall not require or permit the track to be used for a railroad operation that is dispatched from outside the United States.

\* \* \* \* \*

(c) \* \* \*

(1) The dispatching railroad notifies the Safety Management Team Railroad Administrator, in writing as soon as practicable, of the emergency; and

\* \* \* \* \*

5. In § 241.15, revise paragraph (a) to read as follows:

**§ 241.15 Penalties and other consequences for noncompliance.**

(a) Any person who violates any requirement of this part or causes the violation of any such requirement is subject to a civil penalty of at least the minimum civil monetary

penalty and not more than the ordinary maximum civil monetary penalty per violation. However, penalties may be assessed against individuals only for willful violations, and a penalty not to exceed the aggravated maximum civil monetary penalty per violation may be assessed, where a grossly negligent violation, or a pattern of repeated violations, has created an imminent hazard of death or injury to persons; or a death or injury has occurred. See 49 CFR part 209, appendix A. Each day a violation continues shall constitute a separate offense. See FRA's website at <https://railroads.dot.gov/> for a statement of agency civil penalty policy.

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**Appendix C to Part 241—[Removed]**

6. Remove appendix C.

Issued in Washington, DC.

**Kyle D. Fields,**

*Chief Counsel.*

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