



DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

49 CFR Part 212

[Docket No. FRA-2025-0080, Notice No. 2]

RIN 2130-AD07

Administrative Updates to the Federal Railroad Administration's State Safety Participation Regulations

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

ACTION: Final rule; technical amendment.

SUMMARY: On July 1, 2025, FRA published a final rule making miscellaneous, administrative updates to its State safety participation regulations. In that rule, FRA inadvertently removed language from the Code of Federal Regulations (CFR), which necessitates this technical amendment to effectuate FRA's intent.

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

FOR FURTHER INFORMATION CONTACT: Veronica Chittim, Assistant Chief Counsel for Safety, Office of the Chief Counsel, FRA, (telephone 202-480-3410), veronica.chittim@dot.gov; or Lucinda Henriksen, Senior Advisor, Office of Railroad Safety, FRA (telephone 202-657-2842), lucinda.henriksen@dot.gov.

SUPPLEMENTARY INFORMATION: On July 1, 2025, FRA published a final rule making miscellaneous, administrative updates to its State safety participation regulations in 49 CFR part 212. 90 FR 28130. In that rule, FRA made drafting errors in instruction numbers 7 and 19, which necessitates this technical amendment to effectuate FRA's intent.

FRA is promulgating these amendments without advance notice or an opportunity for comment because they fall under the “good cause” exemption of the Administrative Procedure Act. 5 U.S.C. 553(b)(B). FRA finds that notice and comment are unnecessary here because these corrections are merely technical.

§ 212.201 General Qualifications of State Inspection Personnel

Instruction No. 7 in the final rule published at 90 FR 28132 revised section 212.201(d). FRA only meant to revise the introductory text of paragraph (d). However, because of an inaccurate amendatory instruction, the paragraph (d) subparagraphs were inadvertently removed from the CFR. Because FRA intended to keep the rest of paragraph (d) intact, this rule and amendment reinstates paragraphs (d)(1) through (5) as they existed before July 1, 2025.

§ 212.233 Apprentice Highway-rail Grade Crossing Inspector

Instruction No. 19 in the final rule published at 90 FR 28134 revised section 212.233(a). However, FRA failed to identify the intended revision to the section heading in the set-out text to “Apprentice grade crossing and trespasser inspector.” Because FRA intended to revise the section heading for consistency, this rule is necessary.

List of Subjects

49 CFR Part 212

Hazardous materials transportation, Intergovernmental relations, Investigations, Railroad safety.

The Final Rule

In consideration of the foregoing, FRA amends part 212 of chapter II, subtitle B of title 49, Code of Federal Regulations as follows:

PART 212—STATE SAFETY PARTICIPATION REGULATIONS

1. The authority citation for part 212 continues to read as follows:

Authority: 49 U.S.C. 20103, 20105, 20106, and 20113, and 49 CFR 1.89.

2. Amend § 212.201 by revising paragraph (d) to read as follows:

§ 212.201 General qualifications of State inspection personnel.

* * * * *

(d) Each inspector shall demonstrate:

(1) The ability to read and comprehend written materials such as training and enforcement manuals, regulations, operating and safety rules of the railroad, and similar materials;

(2) The ability to compose narrative reports of investigative findings that are clear, complete, and grammatically acceptable;

(3) The ability to record data on standard report forms with a high degree of accuracy;

(4) The ability to communicate orally; and

(5) Basic knowledge of rail transportation functions, the organization of railroad, shipper, and manufacturer companies, and standard industry rules for personal safety.

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3. Amend § 212.233 by revising the section heading to read as follows:

§ 212.233 Apprentice grade crossing and trespasser inspector.

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Issued in Washington, D.C., under authority delegated in 49 CFR 1.89.

David A. Fink,

Administrator.

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