



## DEPARTMENT OF TRANSPORTATION

### Federal Railroad Administration

#### 49 CFR Part 237

[Docket No. FRA-2025-0129; Notice No. 2]

RIN 2130-AD28

### Repealing Certain Bridge Load Capacity Evaluation Requirements

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

**ACTION:** Final rule.

**SUMMARY:** This rule eliminates the Federal requirement that defines the process a track owner must follow when scheduling the evaluation of bridges with no load capacity determination. The requirement was intended as a transitional measure to phase in compliance after the bridge safety regulations became effective and is no longer necessary because the regulations have been in effect for almost 15 years and the transitional period for compliance has ended.

**DATES:** This rule is effective [INSERT 30 DAYS AFTER DATE OF PUBLICATION IN THE *FEDERAL REGISTER*].

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#### 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in parts 200 through 299 of title 49, Code of Federal Regulations (CFR) and repealing requirements that are outdated and redundant.

On July 1, 2025, FRA published a notice of proposed rulemaking (NPRM) that proposed the elimination of the Federal requirement in 49 CFR part 237, Bridge Safety Standards, that defines the process a track owner must follow when scheduling the evaluation of bridges with no load capacity determination.<sup>1</sup> This requirement was intended as a transitional measure to phase in compliance after the bridge safety regulations became effective. The restrictions on the track owner's discretion to determine the process for evaluation of bridge load capacity are no longer necessary because the regulations have been in effect for almost 15 years and the transitional period for compliance has ended.

FRA received three comments in response to the NPRM. A private citizen expressed concern about the degradation of American infrastructure, including failing bridges, and opposes this rule because the citizen asserted it may lead to bridge failure. The Brotherhood of Maintenance of Way Employees Division of the International Brotherhood of Teamsters (BMWED) and Transportation Trades Department, AFL-CIO (TTD) both submitted comments in support of this proposal. Though they recognized differences in operational and structural characteristics of railroad bridges and public highway bridges, BMWED and TTD encouraged the increased alignment of part 237 with bridge inspection and evaluation practices employed by the Federal Highway Administration, citing the incorporation of standardized inspection intervals, load rating protocols, and common protocols as potential areas for alignment. In addition, BMWED

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<sup>1</sup> 90 FR 28669 (July 1, 2025).

and TTD recommended a structured review of part 237 involving industry, labor, and government representatives through the Railroad Safety Advisory Committee (RSAC).

The commenters and FRA have the same goal, which is to support rail bridge infrastructure and to make sure that it can safely handle the weight of trains operating over bridges. This rule does not impact FRA's regulatory oversight over bridge load capacity requirements, but rather it removes an obsolete provision from the CFR. Specifically, the requirement to be repealed in 49 CFR 237.71 requires an initial determination of load capacity that must be completed within five years of the required date for adoption of the track owner's bridge management program (BMP). See section 237.71(e).

In this final rule, FRA is revising section 237.71 as proposed. As acknowledged by BMWED and TTD, this requirement was intended as a transitional measure to phase in compliance after the bridge safety regulations became effective and more than five years had elapsed from the required BMP adoption dates in section 237.31. All other bridge load capacity requirements in this section remain unchanged, including the requirement that each track owner must determine the load capacity of each of its railroad bridges as documented in the track owner's BMP using appropriate engineering methods and standards. In addition, FRA welcomes BMWED's and TTD's ideas about bridge load capacity regulation for other transportation modes and also agrees that RSAC may be the appropriate forum for the agency's various stakeholders to exchange information relating to the safety of rail operations.

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

### *Section 237.71 Determination of Bridge Load Capacities*

This final rule removes the requirement in paragraph (e) that defines the process a track owner must follow when scheduling the evaluation of bridges with no load capacity determination. The existing requirement imposes a restriction on a track owner's ability

to establish a BMP and evaluate bridge load capacity as the track owner sees fit. The existing regulation requires an initial determination of load capacity to be completed within five years of the required date for adoption of a BMP under section 237.31. Under the existing regulation, a period of more than five years has elapsed from the required adoption dates in section 237.31. This requirement was intended as a transitional measure to phase in compliance after the bridge safety regulations became effective. Removing this regulatory text removes an obsolete provision from the CFR, improving readability of this CFR part.

### **III. Regulatory Impact and Notices**

#### **A. Executive Order (E.O.) 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. 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 removes obsolete requirements, and therefore it imposes no additional burdens on regulated entities. Moreover, implementing this rule will provide benefits, improving readability of this CFR part.

#### **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.”<sup>2</sup> Implementation guidance for E.O. 14192 issued by OMB (Memorandum

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<sup>2</sup> Executive Office of the President, *Executive Order 14192 of January 31, 2025, Unleashing Prosperity Through Deregulation*, 90 FR 9065–9067 (Feb. 6, 2025).

M-25-20, Mar. 26, 2025) defines two different types of E.O. 14192 actions: an E.O. 14192 deregulatory action, and an E.O. 14192 regulatory action.<sup>3</sup>

An E.O. 14192 deregulatory action is defined as “an action that has been finalized and has total costs less than zero.” FRA determined that issuing this final rule is expected to have total costs less than zero, and therefore this final rule is considered an E.O. 14192 deregulatory action.

### **C. Regulatory Flexibility Act and Executive Order 13272**

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), as amended by the Small Business Regulatory Enforcement Fairness Act of 1996,<sup>4</sup> requires Federal agencies to consider the effects of the regulatory action on 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* encompasses small businesses, 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)).

A regulatory flexibility analysis is not 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 final rule would not preclude small entities from continuing practices that comply with part 237 as amended; it merely removes obsolete provisions from the CFR and improves readability. Consequently, FRA certifies that this final rule will not have a significant economic impact on a substantial number of small entities.

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<sup>3</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).

<sup>4</sup> Pub. L. No. 104–121, 110 Stat. 857 (Mar. 29, 1996).

**D. Paperwork Reduction Act**

This final rule offers regulatory flexibilities, and it contains no new information collection requirements, in accordance with the Paperwork Reduction Act of 1995, 44 U.S.C. 3501 *et seq.*, and therefore, an information collection submission to OMB is not required. OMB approved the existing recordkeeping and reporting requirements contained in part 237 on April 1, 2026. The OMB control number is 2130-0586, and OMB approval expires on April 30, 2029.

**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. No. 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 requires Federal agencies to prepare a Statement of Energy Effects for any “significant energy action.”<sup>5</sup> 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.

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<sup>5</sup> 66 FR 28355 (May 22, 2001).

## **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 237**

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

### **The Final Rule**

For the reasons discussed in the preamble, FRA amends part 237 of chapter II, subtitle B of title 49, Code of Federal Regulations as follows:

#### **PART 237—BRIDGE SAFETY STANDARDS**

1. The authority citation for part 237 continues to read as follows:

**Authority:** 49 U.S.C. 20102-20114; 28 U.S.C. 2461 note; and 49 CFR 1.89.

2. Amend § 237.71 by removing paragraph (e) and redesignating paragraphs (f) through (h) as paragraphs (e) through (g) to read as follows:

**§ 237.71 Determination of bridge load capacities.**

\* \* \* \* \*

(e) Where a bridge inspection reveals that, in the determination of the railroad bridge engineer, the condition of a bridge or a bridge component might adversely affect the ability of the bridge to carry the traffic being operated, a new capacity shall be determined.

(f) Bridge load capacity may be expressed in terms of numerical values related to a standard system of bridge loads, but shall in any case be stated in terms of weight and length of individual or combined cars and locomotives, for the use of transportation personnel.

(g) Bridge load capacity may be expressed in terms of both normal and maximum load conditions. Operation of equipment that produces forces greater than the normal capacity shall be subject to any restrictions or conditions that may be prescribed by a railroad bridge engineer.

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

**David A. Fink,**

*Administrator.*

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