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DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

49 CFR Part 225

[Docket No. FRA-2025-0123]

RIN 2130-AD58

Miscellaneous Amendments to FRA's Accident Reporting Regulations

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

ACTION: Final rule.

SUMMARY: This rule makes miscellaneous amendments to FRA's accident reporting regulations. Specifically, these amendments promote submitting documents to FRA electronically, eliminate redundant regulations, and allow railroads with additional time to complete certain forms.

DATES: This rule is effective [**INSERT DATE 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2025), FRA is reviewing its regulatory requirements in 49 CFR parts 200 through 299 and updating requirements that are outdated.

On July 1, 2025, FRA published a notice of proposed rulemaking (NPRM) that proposed miscellaneous amendments to FRA's accident reporting regulations which included promoting the submission of documents to FRA electronically, eliminating redundant regulations, and allowing railroads additional time to complete certain forms.[1]

FRA received four comments. An individual commenter commended FRA for promoting the electronic submission of documents, removing redundant regulations, and providing railroads with more time to complete certain forms to ensure comprehensive accident reporting.[2] The Brotherhood of Locomotive Engineers and Trainmen (BLET),[3] the International Association of Sheet Metal, Air, Rail, and Transportation Workers – Transportation Division (SMART-TD),[4] and the Transportation Trades Department, AFL-CIO (TTD)[5] (collectively, "the labor organizations") each submitted a comment opposing the NPRM. The labor organizations expressed concerns that the changes proffered in the NPRM would reduce transparency and cause confusion without providing a safety benefit. They also alleged that giving railroads additional time to complete certain accident reporting forms would lead to the forms being less accurate which would harm safety.

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

Except as otherwise noted below, FRA has adopted the rule text as proposed, and readers may refer to the NPRM's Section-by-Section Analysis for extensive discussion of FRA's rationale for the revisions.

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[1] 90 FR 28654 (July 1, 2025).

[2] *https://www.regulations.gov/comment/FRA-2025-0123-0002*.

[3] *https://www.regulations.gov/comment/FRA-2025-0123-0003*.

[4] *https://www.regulations.gov/comment/FRA-2025-0123-0005*.

[5] *https://www.regulations.gov/comment/FRA-2025-0123-0004*.

Section 225.5 Definitions

In the NPRM, FRA stated that the definitions of “railroad” and “railroad carrier” are duplicative and proposed revising the definition of “railroad” and removing the definition of “railroad carrier.” All three labor organizations opposed this change stating that it would create confusion by providing a definition that conflicts with the Railway Labor Act (RLA). SMART-TD argued that removing the word “carrier” from part 225 would allow railroads to exploit gray areas and decide when they wanted to be subject to the RLA’s protections and when they wanted to be immune from the RLA. SMART-TD described this change as “deregulation by stealth” and said it would allow railroads to “chip away at worker rights” and undermine labor protections in the rail industry.[6]

FRA is unconvinced that this change would cause confusion or adversely affect labor protections in any meaningful way. This change maintains the status quo as this section currently states that “*[r]ailroad* means a railroad carrier.” The logical conclusion from that statement is that the two terms are interchangeable for purposes of part 225. Thus, FRA is eliminating confusion by removing a term (“railroad carrier”) that has the same meaning as another term in part 225 (“railroad”). Furthermore, since FRA is not making any substantive change to the definition of “railroad,” it is not creating any new conflict with the RLA.

FRA also notes that SMART-TD did not offer any specific explanation for how removing the word “carrier” from this part would adversely affect worker rights and would allow railroads to exploit gray areas in the law. Instead, SMART-TD only provided vague assertions. However, there are several other parts in FRA’s regulations that contain a definition of “railroad,” but not a definition of “railroad carrier.” For example, 49 CFR part 240 has included a definition of “railroad,” but not “railroad

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[6] *https://www.regulations.gov/comment/FRA-2025-0123-0005*.

carrier," since 1991. As the labor organizations have not provided any specific evidence that the change will result in harmful effects, FRA amends § 225.5, as proposed.

Section 225.6 Consolidated reporting

FRA proposed reducing FRA's review period for consolidated reporting requests from 90 day to 60 days. BLET opposed this change stating that it created unnecessarily tight deadlines for the agency, especially if those deadlines do not accommodate the need to request additional information. BLET also alleged that no safety justification had been provided for expediting this review process.[7]

In response, FRA notes that BLET's comment is, in part, based on the false premise that FRA's deadline for deciding such requests will not be delayed if FRA requests additional information from the railroad. However, proposed paragraph (d) of this section in the NPRM states this 60-day period "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." Further, FRA, through its experience in reviewing these requests, has concluded that 60 days is sufficient time for the agency to perform a thorough review of the request and to issue a decision without being rushed.

FRA, however, is making a minor change to the proposed language in the NPRM for paragraph (b)(2)(iv) of this section. FRA is changing "and/or" in the NPRM to "or" in this final rule.

Section 225.7 Use of reports

The NPRM proposed removing paragraph (a) of this section which explains how to obtain accident/incident reports by making a Freedom of Information Act (FOIA) request. BLET objected to removing this paragraph as it claimed this change reduces

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[7] *https://www.regulations.gov/comment/FRA-2025-0123-0003*.

transparency while not meaningfully reducing any burden. BLET argued this change would make the public less aware of how to request copies of these reports.

FRA finds BLET's argument unconvincing. Existing paragraph (a) is duplicative as its main purpose is to direct readers to DOT's FOIA regulations in 49 CFR part 7. FRA does not find that removing this paragraph reduces transparency as the information in this paragraph is readily available in part 7. Further, if individuals or organizations are seeking information about making a FOIA request, they are more likely to search for such information on FRA's website as opposed to in the CFR. Thus, removing this information from this section should eliminate redundancy in FRA's regulations without harming transparency. In addition, current paragraph (a) contains a mailing address and a web address which are subject to change. By removing this paragraph, FRA is reducing the likelihood of having outdated information in its regulations and reducing the potential future burden of having to amend this section if these addresses change. Therefore, FRA amends § 225.7, as proposed.

Section 225.12 Rail Equipment Accident/Incident Reports Alleging Employee Human Factor as Cause; Employee Human Factor Attachment; Notice to Employee; Employee Supplement

FRA proposed revising paragraph (h)(2) of this section to remove the fixed $5,000 fine amount and instead state that such persons be subject to a fine under title 18 of the U.S. Code. BLET expressed its opposition to this change as it would increase the potential penalty for employees without any justification. BLET contended that title 18 provides for up to five years in prison and does not provide a maximum fine amount which is a significant departure from the current practice of limiting the fine amount for false statements. In addition, BLET claimed that FRA has not provided evidence that employees making false statements is such a considerable issue that stronger penalties are needed. In summary, BLET is concerned that "FRA is relying on [t]itle 18 of the U.S.

Code for enforcement of civil and criminal penalties when these infractions are inherently transportation related and [t]itle 49 of the U.S. Code already contains adequate remedies and methods for addressing civil and criminal actions." BLET predicted that this change could lead FRA to shift the enforcement of other sections to title 18 as well.

As an initial matter, BLET is incorrect that this change would increase the maximum prison sentence as the proposed text in the NPRM maintains two years as the maximum period of imprisonment for knowingly and willfully filing a false supplemental statement. Next, BLET's concern that this revision will lead FRA to rely on title 18 instead of title 49 is misguided as FRA already relies on title 18. The current text of paragraph (h)(2) cites 49 U.S.C. 21311 as authority for assessing a fine, imprisonment, or both, and 49 U.S.C. 21311 states such fines shall be assessed under title 18. In 1994, Congress amended 49 U.S.C. 21311(a) to state that a person shall be "fined under title 18" instead of "fined not more than $5,000." The proposed change in the NPRM simply makes paragraph (h)(2) of this section consistent with the statute it references. FRA also notes that the $5,000 fine amount has been in this paragraph since 1990, and finalizing this paragraph as proposed allows for inflationary adjustments to this figure without having to amend the regulation.

In conclusion, BLET's claim about the overall impact of this proposed change is overstated as title 18 already serves as the basis for issuing fines in accordance with this paragraph. Thus, FRA amends § 225.12, as proposed.

Section 225.13 Late reports

FRA proposed revising this section to instruct railroads to submit their late reports via email. An individual commenter commended FRA for this proposed change stating that promoting electronic submissions improves efficiency and data accuracy.[8] FRA amends § 225.13, as proposed.

Section 225.25 Recordkeeping

Paragraph (f) of this section states that railroads must enter each accountable injury and illness and each accountable rail equipment accident/incident on the appropriate record no later than "seven working days" after receiving information or acquiring knowledge that such accident/incident occurred. The NPRM proposed extending this deadline to "15 calendar days."

An individual commenter supported this proposed change noting that allowing railroads additional time to complete certain forms will help ensure comprehensive reporting, which will improve safety. However, the labor organizations uniformly opposed this change. BLET, SMART-TD, and TTD all argued that completing these forms as soon as possible after an accident/incident will ensure accuracy. SMART-TD noted that giving railroads more time to complete these forms will give more time for memories to fade, facts to become muddled, and paperwork to be lost. The labor organizations also contended that providing additional time for the railroads to complete these forms will delay FRA's receipt of important safety information, which will harm railroad worker safety and weaken the public's ability to remedy concerning data trends.

In addition, BLET argued that FRA did not provide evidence that these reports had declined in accuracy, and if the reports have declined in accuracy, the labor organization would like to work with FRA to determine the root cause and a solution. SMART-TD stated its concerns that this proposed change would give railroads more time to pressure injured workers into not reporting their injuries. In support of this argument, it asserted that the Occupational Safety and Health Administration has put railroads under

[8] *https://www.regulations.gov/comment/FRA-2025-0123-0002*.

heightened scrutiny for what SMART-TD called a long record of whistleblower retaliation and intimidation. SMART-TD also said giving railroads more time to complete these forms would be hypocritical because railroad workers live under threat that if they do not report their injury on the same day it occurs, their credibility will be challenged. Lastly, TTD objected to this change because it said there was no recent evidence that railroads needed more time to complete these forms.[9]

The overriding concern from the labor organizations is that this change would delay FRA's receipt of important safety information in these forms. However, this concern is misguided. This proposed extension of time only applies to a railroad's completion of Form FRA F 6180.97 (Form 6180.97) and Form FRA F 6180.98 (Form 6180.98) (or the alternative railroad-designed records for these forms). Railroads are not required to submit these forms to FRA. While an FRA representative may ultimately view these forms, such as during an audit, this viewing does not happen typically until months, or even years, after an accident or incident occurred. Therefore, providing railroads with a short amount of additional time to complete these forms will not result in any delay of FRA receiving safety information.

Regarding the labor organizations' concerns that this change would diminish the accuracy of these forms, FRA is unpersuaded. This change would only give railroads approximately an additional week to complete these forms, which should not significantly impact the memories of those persons involved in an accident or incident. However, this additional time should be helpful to railroads in obtaining relevant medical records and cost estimates, which will lead to these forms containing more accurate data. Although SMART-TD contended this will give railroads additional time to pressure workers into not reporting injuries, this is incorrect because the timeline to complete

[9] *https://www.regulations.gov/comment/FRA-2025-0123-0004*.

these forms, whether it is "seven working days" or "15 calendar days," does not begin to run until *after* the railroad receives information or acquires knowledge that an injury or illness occurred. Therefore, this change does not give railroads additional time to pressure workers into not reporting an injury, because the injury has already been reported.

FRA also concludes this change is beneficial because it removes ambiguity over how to calculate "seven working days" properly. Different railroad workers have different work schedules and paragraph (f) of this section does not specify whether "working days" refers to the work schedule of the injured worker, the reporting officer, or someone else. By amending this deadline to "15 calendar days," FRA establishes a clear standard that is easy for the railroads to apply. Thus, FRA amends § 225.25, 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 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 makes administrative changes such as revising definitions, allowing railroads to submit information to FRA electronically, and removing redundant regulations. Therefore, this

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[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*.

final rule will impose no additional burdens on regulated entities. Moreover, this final rule will provide some qualitative benefits to regulated entities and the U.S. government by clarifying, simplifying, and updating the language of part 225. This final rule will also provide flexibility to regulated entities by increasing the time given to railroads for completing certain forms from seven working days to 15 calendar days, and remove ambiguity over how to calculate working days. In addition, this final rule will expedite the speed at which documents are delivered while reducing costs that would otherwise exist from having to print, mail, and process documents.

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 the 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 final rule will 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 businesses and other small entities,

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[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] Pub. L. No. 104–121, 110 Stat. 857 (Mar. 29, 1996).

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. The regulatory relief provided by this rule will result in cost savings for many regulated entities, including small entities. This rule clarifies and simplifies regulations, as well as reduces the need to print or mail documents. FRA does not expect that this impact to small entities will be significant. Consequently, FRA certifies that this final rule will not have a significant economic impact on a substantial number of small entities.

D. Paperwork Reduction Act

This final rule offers regulatory flexibilities, and it does not impose any new information collection requirements. Therefore, an information collection submission to OMB is not required under the Paperwork Reduction Act of 1995, 44 U.S.C. 3501, *et seq*. The recordkeeping and reporting requirements already contained in part 225 were approved by OMB on December 5, 2023. The information collection requirements thereby became effective when they were approved by OMB. The OMB approval number is OMB No. 2130-0005, and OMB approval expires on December 31, 2026.

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, *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*

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

(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 U.S.

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:

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. Amend § 225.5 by:

a. Removing the word "carrier" from paragraph (2) of the definition of "Highway-rail grade crossing";

b. Putting the definition for "Privacy concern case" after the definition of "Person";

c. Revising the definition of "Railroad"; and

d. Removing the definition for "Railroad carrier".

The revision reads as follows:

§ 225.5 Definitions.

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Railroad means a person providing railroad transportation.

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3. Revise § 225.6 to read as follows:

§ 225.6 Consolidated reporting.

(a) A parent corporation may request in writing that FRA treat its commonly controlled railroads, which operate as a single, seamless, integrated United States rail system, as a single railroad for purposes of this part.

(b) The written request must include all of the following:

(1) A list of the subsidiary railroads controlled by the parent corporation.

(2) An explanation as to how the subsidiary railroads operate as a single, seamless, integrated United States railroad system as opposed to separate and independent entities. This explanation should address factors such as:

(i) Whether all of the properties are physically connected, and by what means (i.e., is the track contiguous, are the properties connected by track rights);

(ii) Whether the parent and its subsidiaries are held out to the public as a single entity;

(iii) Whether the parent is involved in the decision-making of its subsidiaries, and to what extent;

(iv) Whether the parent or subsidiaries share officers, equipment, or other personnel;

(v) Whether the operation of trains and crews are seamless, as trains and crews move over various properties with most employees unaware that they have changed property owners;

(vi) Whether there is a single set of operating rules over all of the properties (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.

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(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, D.C., under authority delegated in 49 CFR 1.89.

David A. Fink,
Administrator.

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