

Appendix:
Table of AAR Ideas for Reducing Regulatory Burdens
(DOT-OST-2025-0026)

Name/Issue	Administrative Action	Relevant Part, Subpart, or Section	EO 14219 Category	Action Requested	Reason	Description of Action Requested	Statutory Mandate Impaired	Will this modernize regulations? (If yes, how)	Impact on Regulatory Costs
<u>AAR Tier I Priorities</u>									
Crew Size	Regulation	Part 218	Regulations that impose significant costs upon private parties that are not outweighed by public benefits; Regulations that harm the national interest by significantly and unjustifiably impeding technological innovation; Regulations that impede private enterprise and entrepreneurship. The regulation’s flawed cost-benefit analysis implicates the directive in the 4/9/25 Presidential Memorandum directing agencies to review regulations for legality under certain Supreme Court decisions.	Repeal	Ill-advised	Eliminate the newly finalized regulation, which delivered on a Biden campaign promise from 2020. Crew staffing decisions should be based on safety, operational efficiency, and technology-based alternatives.	No	Yes. Existing regulations disincentivize building technology-based platforms to assist in the safe operation of trains and unnecessarily locks in the status quo for train crew staffing.	The regulation, which was finalized in 2024, imposed substantial regulatory costs. FRA's original regulatory cost estimate in 2016 ranged between roughly \$6 million to \$28 million. However, FRA's estimate grossly underestimates the actual cost of the rule because it ignores the reduced operational costs that would result in the absence of the rule if railroads were free to move to one-person operations. A detailed analysis by Oliver Wyman in 2016 estimated \$264.7 million in cost savings over the first ten years assuming a gradual implementation of single-person crews. Additional costs of the current regulation include the opportunity cost of money spent on additional crews that could have been spent in a more productive way.
Track Inspection	Regulation	Part 213	Regulations that impose significant costs upon private parties that are not outweighed by public benefits; Regulations that harm the national interest by significantly and unjustifiably impeding technological innovation; Regulations that impede private enterprise and entrepreneurship. Development of cost-saving technologies have changed the	Modify	Ineffective	Rewrite highly prescriptive existing regulations that have not been assessed under cost-benefit analysis, and were developed prior to new safety-enhancing technologies. Rewrite existing and proposed regulations to allow railroads to develop performance-based inspection protocols and procedures that incorporate technological solutions to protect track safety, improve employee safety, and increase operational efficiency. Combine technology (e.g., Automated Track Inspections (ATI)) with reduced visual inspections to improve safety and reduce regulatory costs.	No	Yes. Existing regulations are focused on periodic visual inspections, and do not generally incorporate technology-based inspection methods. At the end of the Biden Administration, FRA proposed new technology-based track geometry measurement system regulations (TGMS), but the NPRM layered the technology-based inspections on top of the existing visual inspection requirements. This approach is the opposite of what is needed. FRA should rewrite the regulations in a manner that reduces regulatory costs, increases efficiency, and improves safety.	Modifying the existing regulations will reduce regulatory costs because each railroad will have operational flexibility to implement an efficient mix of visual and technology-based inspections.

Name/Issue	Administrative Action	Relevant Part, Subpart, or Section	EO 14219 Category	Action Requested	Reason	Description of Action Requested	Statutory Mandate Impaired	Will this modernize regulations? (If yes, how)	Impact on Regulatory Costs
			foundational assumptions undergirding the costs and benefits of these regulations, implicating the directive in the 4/9/25 Presidential Memorandum directing agencies to review regulations for legality under certain Supreme Court decisions.			Review existing waivers that implement alternative inspection regimes with a focus on codification or, in the alternative, extending waivers shown to provide an equivalent level of safety beyond a 5-year period.		This can be done by issuing regulations that allow technological innovation rather than requiring railroads to devote significant capital to visual inspections in areas where visual inspections are less effective than technologies such as Autonomous Track Inspections.	
Signal Inspection	Regulation	Part 234, Part 236	<p>Regulations that impose significant costs upon private parties that are not outweighed by public benefits; Regulations that harm the national interest by significantly and unjustifiably impeding technological innovation.</p> <p>Development of cost-saving technologies have changed the foundational assumptions undergirding the costs and benefits of these regulations, implicating the directive in the 4/9/25 Presidential Memorandum directing agencies to review regulations for legality under certain Supreme Court decisions.</p>	Modify	Ineffective	<p>Rewrite highly prescriptive existing regulations that have not been assessed under cost-benefit analysis, and were developed prior to new safety-enhancing technologies. Rewrite existing and proposed regulations to allow railroads to develop performance-based inspection protocols and procedures that incorporate technological solutions to protect signal and grade crossing signal safety, improve employee safety, and increase operational efficiency. Eliminate the highly burdensome process of approving microprocessor-based equipment and eliminate unnecessary time-based inspections where advanced health monitoring has been deployed.</p> <p>FRA staff developed a three-part modernization framework for these regulations during the first Trump administration. Thus, much of the conceptual work to implement these changes is already done.</p> <p>Review existing waivers that implement alternative inspection regimes with a focus on codification or, in the alternative, extending waivers shown to provide an</p>	No	Yes. Existing regulations are focused on periodic visual inspections, and do not generally allow for the incorporation of modern technology-based monitoring methods.	Eliminating unnecessary testing will result in significant regulatory cost reductions. For example, § 236.107 requires ground testing when an energy bus is placed into service and every 3 months thereafter. However, railroads have installed more than 45,000 microprocessor-based systems that allow for continuous ground monitoring and other advanced designs that are not susceptible to unsafe conditions caused by grounds. Therefore, there are more than 180,000 tests conducted per year that serve no safety purposes. (NOTE: This is one example based on one section of FRA's Signal Safety Regulations, but similar situations occur repeatedly in Parts 234 and 236.) Additionally, eliminating the requirement to keep paper copies of maintenance and testing plans is estimated to save approximately \$7 million dollars over a 5-year period.

Name/Issue	Administrative Action	Relevant Part, Subpart, or Section	EO 14219 Category	Action Requested	Reason	Description of Action Requested	Statutory Mandate Impaired	Will this modernize regulations? (If yes, how)	Impact on Regulatory Costs
						equivalent level of safety beyond a 5-year period.			
Brake System Safety Standards (eABS)	Regulation	Part 232	Regulations that impose significant costs upon private parties that are not outweighed by public benefits; Regulations that harm the national interest by significantly and unjustifiably impeding technological innovation; Regulations that impede private enterprise and entrepreneurship. Development of cost-saving technologies have changed the foundational assumptions undergirding the costs and benefits of these regulations, implicating the directive in the 4/9/25 Presidential Memorandum directing agencies to review regulations for legality under certain Supreme Court decisions.	Modify	Unnecessary	Finalize the NPRM published during the first Trump Administration amending FRA regulations to address operations using an electronic air brake slip (eABS) system with changes to extend the distance between Qualified Person (QP) inspections, eliminate unnecessary recordkeeping, reconsider record retention durations, etc. The NPRM proposed establishing alternative regulatory framework for railroads to utilize when choosing to use an eABS system, but would not require railroads to use such a system. The NPRM would extend the distance certain individual rail cars may travel (from 1,500 to 2,500 miles) without stopping for brake and mechanical tests if the cars have a valid eABS record. The NPRM also would allow railroads to add or remove multiple cars from a train without conducting additional brake tests if the train is solely made up of cars with eABS records. Review existing waivers that implement alternative inspection regimes with a focus on codification or, in the alternative, extending waivers shown to provide an equivalent level of safety beyond a 5-year period.	No	Yes. Finalizing the changes proposed would incentivize railroads to invest in eABS technology which electronically tracks detailed brake test information for individual rail cars and the distance individual rail cars travel between brake tests.	In 2021, FRA estimated regulatory cost savings ranging from \$128.1 million to \$259.6 million (using a 3-percent discount rate) and \$105.1 million to \$217.3 million (using a 7-percent discount rate) over at 10-year period. FRA estimated annualized cost savings ranging from \$15.0 million to \$30.4 million (using a 3-percent discount rate) to \$15.0 million to \$30.9 million (using a 7-percent discount rate).
AAR Tier II Priorities									
Brake System Safety Standards (Manual Inspections)	Regulation	Part 232	Regulations that impose significant costs upon private parties that are not outweighed by public benefits; Regulations that harm	Modify	Ineffective	Amend highly prescriptive existing regulations that have not been assessed under cost-benefit analysis, and were developed prior to new safety-enhancing technologies. Modify existing and proposed	No	Yes. Existing regulations are focused on periodic visual inspections, and do not generally allow for the incorporation of modern technology-based monitoring methods.	Modifying the existing regulations will reduce regulatory costs because each railroad will have operational flexibility to implement an efficient mix of visual and technology-based inspections.

Name/Issue	Administrative Action	Relevant Part, Subpart, or Section	EO 14219 Category	Action Requested	Reason	Description of Action Requested	Statutory Mandate Impaired	Will this modernize regulations? (If yes, how)	Impact on Regulatory Costs
			<p>the national interest by significantly and unjustifiably impeding technological innovation; Regulations that impede private enterprise and entrepreneurship.</p> <p>Development of cost-saving technologies have changed the foundational assumptions undergirding the costs and benefits of these regulations, implicating the directive in the 4/9/25 Presidential Memorandum directing agencies to review regulations for legality under</p>			<p>regulations to allow railroads to develop performance-based inspection protocols and procedures that incorporate technological solutions to monitor brake system health, improve employee safety, and increase operational efficiency. Combine technology (e.g., wayside detection) with reduced visual inspections to improve safety and reduce regulatory costs.</p> <p>Review existing waivers that implement alternative inspection regimes and codify or extend waivers shown to provide an equivalent level of safety beyond a 5-year period.</p>			
Brake System Safety Standards (Intermediate Inspections)	Regulation	Part 232	<p>Regulations that impose significant costs upon private parties that are not outweighed by public benefits; Regulations that harm the national interest by significantly and unjustifiably impeding technological innovation; Regulations that impede private enterprise and entrepreneurship.</p> <p>Development of cost-saving technologies have changed the foundational assumptions undergirding the costs and benefits of these</p>	Modify	Ineffective	<p>FRA's limits on distances a train may travel between brake tests are antiquated. Currently railroads address the situation through the waiver process, which is inefficient. Amend existing intermediate brake inspection regulations that are highly prescriptive and were developed prior to new safety-enhancing technologies. Modify existing and proposed regulations to allow railroads to develop performance-based inspection protocols and procedures that incorporate technological solutions to monitor brake health, improve employee safety, and increase operational efficiency. Combine technology with reduced visual inspections to improve safety and reduce regulatory costs.</p>	No	<p>Yes. Existing regulations are focused on periodic visual inspections, and do not generally allow for the incorporation of modern technology-based monitoring methods.</p>	<p>Modifying the existing regulations will reduce regulatory costs because each railroad will have operational flexibility to implement an efficient mix of visual and technology-based inspections.</p>

Name/Issue	Administrative Action	Relevant Part, Subpart, or Section	EO 14219 Category	Action Requested	Reason	Description of Action Requested	Statutory Mandate Impaired	Will this modernize regulations? (If yes, how)	Impact on Regulatory Costs
			regulations, implicating the directive in the 4/9/25 Presidential Memorandum directing agencies to review regulations for legality under certain Supreme Court decisions.			Review existing waivers that implement alternative inspection regimes and codify or extend waivers shown to provide an equivalent level of safety beyond a 5-year period.			
Locomotive Safety Standards	Regulation	Part 229	<p>Regulations that impose significant costs upon private parties that are not outweighed by public benefits; Regulations that harm the national interest by significantly and unjustifiably impeding technological innovation; Regulations that impede private enterprise and entrepreneurship.</p> <p>Development of cost-saving technologies have changed the foundational assumptions undergirding the costs and benefits of these regulations, implicating the directive in the 4/9/25 Presidential Memorandum directing agencies to review regulations for legality under certain Supreme Court decisions.</p>	Modify	Ineffective	<p>Amend highly prescriptive existing regulations that have not been assessed under cost-benefit analysis, and were developed prior to new safety-enhancing technologies. Modify existing and proposed regulations to allow railroads to develop performance-based inspection protocols and procedures that incorporate technological solutions to monitor locomotive health, improve employee safety, and increase operational efficiency. Combine technology (e.g., wheel temperature detectors) with reduced visual inspections to improve safety and reduce regulatory costs.</p> <p>Review existing waivers that implement alternative inspection regimes and codify or extend waivers shown to provide an equivalent level of safety beyond a 5-year period.</p>	No	Yes. Existing regulations are focused on periodic visual inspections, and do not generally allow for the incorporation of modern technology-based monitoring methods.	Modifying the existing regulations will reduce regulatory costs because each railroad will have operational flexibility to implement an efficient mix of visual and technology-based inspections.
Freight Car Inspection Standards	Regulation	Part 215	Regulations that impose significant costs upon private parties that are not outweighed by public benefits; Regulations that harm the national interest by	Modify	Ineffective	Amend highly prescriptive existing regulations that have not been assessed under cost-benefit analysis, and were developed prior to new safety-enhancing technologies. Modify existing and proposed regulations to allow railroads to	No	Yes. Existing regulations are focused on periodic visual inspections, and do not generally allow for the incorporation of modern technology-based monitoring methods.	Modifying the existing regulations will reduce regulatory costs because each railroad will have operational flexibility to implement an efficient mix of visual and technology-based inspections.

Name/Issue	Administrative Action	Relevant Part, Subpart, or Section	EO 14219 Category	Action Requested	Reason	Description of Action Requested	Statutory Mandate Impaired	Will this modernize regulations? (If yes, how)	Impact on Regulatory Costs
			significantly and unjustifiably impeding technological innovation; Regulations that impede private enterprise and entrepreneurship. Development of cost-saving technologies have changed the foundational assumptions undergirding the costs and benefits of these regulations, implicating the directive in the 4/9/25 Presidential Memorandum directing agencies to review regulations for legality under certain Supreme Court decisions.			develop performance-based inspection protocols and procedures that incorporate technological solutions to monitor freight car health, improve employee safety, and increase operational efficiency. Combine technology (e.g., wayside detection) with reduced visual inspections to improve safety and reduce regulatory costs. Review existing waivers that implement alternative inspection regimes and codify or extend waivers shown to provide an equivalent level of safety beyond a 5-year period.			
Dispatcher Certification	Regulation	Part 245	Regulations that impose significant costs upon private parties that are not outweighed by public benefits; Regulations that impede private enterprise and entrepreneurship; Regulations that are not based on the best reading of the underlying statutory authority. The regulation's flawed cost-benefit analysis implicates the directive in the 4/9/25 Presidential Memorandum directing agencies to review regulations for legality	Repeal	Ill-advised	Repeal the regulation, which the Biden Administration finalized in May 2024. FRA never produced a safety basis for finalizing signal employee certification requirements. Recent FRA accident/incident statistics, which include data accumulated following the publication of the NPRMs, show that railroads have reduced employee casualty rates by 50% since 2000 and 7% since 2022, with 2023 being the second lowest rate on record. Even based on FRA's inflated assessment, there are only marginal, and largely speculative, safety benefits associated with the final rule (annualized at approximately \$0.1 million (PV, 7%)).	No	No	FRA estimated the annualized costs of dispatcher certification to be \$0.8 million (PV, 7%), but the cost estimate grossly understates the actual costs associated with implementing and complying with the final rules based on the railroads' experience implementing and administering certification programs for locomotive engineers and conductors. Moreover, according to FRA's own estimates, the costs exceed the estimated benefits by more than 8:1.

Name/Issue	Administrative Action	Relevant Part, Subpart, or Section	EO 14219 Category	Action Requested	Reason	Description of Action Requested	Statutory Mandate Impaired	Will this modernize regulations? (If yes, how)	Impact on Regulatory Costs
			under certain Supreme Court decisions.						
Signal Employee Certification	Regulation	Part 246	Regulations that impose significant costs upon private parties that are not outweighed by public benefits; Regulations that impede private enterprise and entrepreneurship; Regulations that are not based on the best reading of the underlying statutory authority. The regulation's flawed cost-benefit analysis implicates the directive in the 4/9/25 Presidential Memorandum directing agencies to review regulations for legality under certain Supreme Court decisions.	Repeal	Ill-advised	Repeal the regulation, which the Biden Administration finalized in May 2024. FRA never produced a safety basis for finalizing signal employee certification requirements. Recent FRA accident/incident statistics, which include data accumulated following the publication of the NPRMs, show that railroads have reduced employee casualty rates by 50% since 2000 and 7% since 2022, with 2023 being the second lowest rate on record. This is consistent with a downward trend in signal-caused accidents. Even based on FRA's inflated assessment, there are only marginal, and largely speculative, safety benefits associated with the final rule (annualized at approximately \$0.4 million (PV, 7%)).	No	No	FRA estimated the annualized costs of dispatcher certification to be \$1.3 million (PV, 7%), but the cost estimate grossly understates the actual costs associated with implementing and complying with the final rules based on the railroads' experience implementing and administering certification programs for locomotive engineers and conductors. Moreover, according to FRA's own estimates, the costs exceed the estimated benefits by more than 3:1.
Waiver Process Improvements	Regulation	Part 211	Regulations that impose significant costs upon private parties that are not outweighed by public benefits; Regulations that harm the national interest by significantly and unjustifiably impeding technological innovation; Regulations that impede private enterprise and entrepreneurship.	Modify	Ill-advised	Modify the existing regulations to streamline the process; ensure that decisions are based on safety and the public interest (which includes operational efficiency and innovation), make the decision-making process more transparent, certain, and resilient to political influence; and allow long-term waivers to extend beyond 5 years. Strengthen the process, consistent with 49 U.S.C. 20103(d)(4), convert longstanding waivers into regulations. Incorporate a process that allows railroads to move forward with waivers after a prescribed time if FRA has failed to act.	No	Yes. Railroads regularly rely on the waiver process because FRA's antiquated regulations are not adaptable to technology-based changes that are in the public interest and consistent with railroad safety. Therefore, the waiver process is the only regulatory avenue that allows railroads to implement new innovations. However, during the Biden Administration, the waiver process became politicized and technology-based changes were discouraged and disincentivized.	Modifying the waiver regulations will create a more effective waiver process that allows for the incorporation of technology-based equipment that preserves safety and improves operational efficiency. Codifying longstanding waivers into regulations will reduce regulatory costs by allowing railroads to make changes that, consistent with railroad safety, enhance operational efficiency.

Name/Issue	Administrative Action	Relevant Part, Subpart, or Section	EO 14219 Category	Action Requested	Reason	Description of Action Requested	Statutory Mandate Impaired	Will this modernize regulations? (If yes, how)	Impact on Regulatory Costs
<u>AAR Tier III Priorities</u> <u>(Grouped by Subject Matter)</u>									
Pipeline & Hazardous Materials Safety Administration									
Hazmat Switching Rules	Regulation	Part 171	Regulations that impose significant costs upon private parties that are not outweighed by public benefits; Regulations that harm the national interest by significantly and unjustifiably impeding technological innovation; Regulations that impede private enterprise and entrepreneurship.	Modify	Ill-advised	Revise switching rules to allow DOT 113 cars and container on flat cars (COFC) to be cut off in motion during humping operations or when engineering controls are present. This would align with regulations allowing other cars to be cut away while in motion during humping operations. There is not a justifiable safety reason for the limitation and eliminating the limitation would increase operational efficiency.	No	No	Modifying the existing regulations will reduce regulatory costs by increasing operational flexibility in a manner that is consistent with railroad safety.
Delays in Transit of Hazmat	Regulation	172.820, 174.14	Regulations that impose significant costs upon private parties that are not outweighed by public benefits Regulations that harm the national interest by significantly and unjustifiably impeding technological innovation; Regulations that impede private enterprise and entrepreneurship.	Repeal	Unnecessary	Current regulations require railroads to forward hazmat promptly and within 48 hours after acceptance. Additionally, railroads must notify the consignee whenever there is a significant delay during transportation. The requirement to forward hazmat within a 48-hour window can result in circular train movements that occur solely to comply with the 48-hours rule (e.g., when the customer does not have space in its facility to store the tank cars it had ordered for delivery), which can be costly and expose the public to unnecessary risks. The notification requirement is based on an outdated assumption that the consignee does not have the tools to track its hazmat in transportation. Both regulations can be eliminated without a negative impact on safety.	No	Yes. The current regulations disincentivize the use of existing technologies that allow for real-time tracking, which makes the notification requirement obsolete.	Eliminating the requirements related to delays in transit would reduce regulatory burdens by reducing unnecessary train movements that are performed solely to comply with the regulation and reduce time relaying redundant information that consignees already have in the absence of the regulation.

Name/Issue	Administrative Action	Relevant Part, Subpart, or Section	EO 14219 Category	Action Requested	Reason	Description of Action Requested	Statutory Mandate Impaired	Will this modernize regulations? (If yes, how)	Impact on Regulatory Costs
Electronic Hazardous Materials Shipping Papers	Regulation	Part 172, Part 174	Regulations that impose significant costs upon private parties that are not outweighed by public benefits; Regulations that harm the national interest by significantly and unjustifiably impeding technological innovation; Regulations that impede private enterprise and entrepreneurship.	Modify	Ill-advised	Modify the HMR to allow railroads to utilize electronic shipping papers and consist information in lieu of paper requirements.	No	Yes. PHMSA's paper consist requirement is antiquated. Several railroads have been operating under special permits for several years allowing them to use “electronic means to maintain and communicate on-board train consist and shipping paper information in lieu of paper documentation when hazardous materials are transported by rail.” PHMSA has acknowledged that these special permits have been a success, noting that it is “not aware of any negative impacts.” 88 Fed. Reg. 41541, 41545. But, PHMSA has never developed regulations to make these special permits permanent. Indeed, in its recent "Real-Time Train Consist" final rule, PHMSA went the opposite direction, mandating that railroads keep updated <i>paper and electronic</i> consist information prior to movement. This costly and duplicative requirement serves as a disincentive to investment that improves electronic consist capabilities.	Allowing railroads to use electronic shipping papers will result in substantial cost savings due to the reduction of paper usage by millions of sheets per railroad per year. Additionally, eliminating the paper requirement means that railroads can take printers out of service because they are not needed for printing consists, which lowers regulatory costs by reducing electricity usage and eliminating the need for ink at such printer stations.
Real-Time Consist Information Updates	Regulation	Part 174	Regulations that are based on anything other than the best reading of the underlying statutory authority; Regulations that impose significant costs upon private parties that are not outweighed by public benefits; Regulations that impede private enterprise and entrepreneurship.	Modify	Ill-advised	Modify real-time electronic consist requirement that the electronic consist must be updated prior to a train's departure from location. This provision is tied to section 7302 of the FAST Act, but PHMSA interprets the provision in an overbroad manner. Real-time can include situations where the information is updated immediately upon passing an AEI reader, which are widely placed on railroad networks at strategic locations.	Yes	No	Modifying the existing regulation will reduce regulatory costs by increasing operational flexibility in a manner that is consistent with railroad safety.

Name/Issue	Administrative Action	Relevant Part, Subpart, or Section	EO 14219 Category	Action Requested	Reason	Description of Action Requested	Statutory Mandate Impaired	Will this modernize regulations? (If yes, how)	Impact on Regulatory Costs
Buffer Cars	Regulation	Part 174	Regulations that impose significant costs upon private parties that are not outweighed by public benefits; Regulations that impede private enterprise and entrepreneurship.	Modify	Unnecessary	Modify the regulation to allow for the use of unoccupied locomotives as buffer cars. Railroads currently handle the issue through the special approval process, which is lengthy, uncertain, and limited.	No	No	Modifying the existing regulations will reduce regulatory costs by increasing operational flexibility in a manner that is consistent with railroad safety.
One-Time Movement Authority (OTMA)	Regulation	174.50	Regulations that impose significant costs upon private parties that are not outweighed by public benefits; Regulations that impede private enterprise and entrepreneurship.	Modify	Ill-advised	Regulations are unnecessarily restrictive. Railroads should have the ability to expedite defective cars to shops without requiring the approval of FRA's Associate Administrator for Safety. This will expedite the transfer of defective tank cars to repair shops and avoid unnecessary delays	No	No	Modifying the existing regulation will reduce regulatory costs by increasing operational flexibility in a manner that is consistent with railroad safety. These changes will eliminate unnecessary delays in making repairs, which will have trickledown effects including increasing safety by reducing potential hazmat exposures, shortening delays in the return of the car to service, and reducing disruptions in the delivery of products to the customer.
Intermodal Portable Tanks	Regulation	174.63	Regulations that impose significant costs upon private parties that are not outweighed by public benefits; Regulations that impede private enterprise and entrepreneurship.	Modify	Ill-advised	Eliminate the requirement to get approval from FRA's Associate Administer of Safety to move certain hazmat in intermodal portable tanks. Despite the railroad industry's proven safety record, railroads must get approvals from FRA to transport a variety of hazmat commodities by rail in bulk packaging even though the same hazmat commodities may be transported in the same bulk packaging by other modes of transportation without the requirement of modal specific DOT approval.	No	No	Removing the requirement for FRA-approval will reduce regulatory burdens associated with the approval process and reduce regulatory costs by increasing operational flexibility in a manner that is consistent with railroad safety.
Certificates of Construction	Regulation	179.5	Regulations that impose significant costs upon private parties that are not outweighed by public benefits	Modify	Ineffective	Revise the regulation to allow car owners to swap Tank Car Committee-approved pieces of service equipment for other approved pieces of service equipment without having to obtain a new certificate of construction, provided that the swap is between two pieces that are alike.	No	No	Increases regulatory flexibility and reduces administrative burdens.

Name/Issue	Administrative Action	Relevant Part, Subpart, or Section	EO 14219 Category	Action Requested	Reason	Description of Action Requested	Statutory Mandate Impaired	Will this modernize regulations? (If yes, how)	Impact on Regulatory Costs
Double Shelf Couplers on Tank Cars	Regulation	179.14	Regulations that impose significant costs upon private parties that are not outweighed by public benefits	Modify	Obsolete	Delete the list of double shelf couplers because it is outdated. The Field Manual of the AAR Interchange Rules (Rules 16, 17, and 18) calls for double E-type or F-type double shelf couplers on all tank cars, and the HMR should allow this to be addressed through industry standards that are proven effective.	No	Yes. Eliminates outdated requirements from the regulation.	Reduces administrative burdens.
Comprehensive Oil Spill Response Plan (COSRP) Preemption	Regulation	Part 130	Regulations that impose significant costs upon private parties that are not outweighed by public benefits	Modify	Ill-advised	Modify PHMSA’s interpretation of the applicability of the Oil Prevention Act to preemption related issues. HMTA, FRSA, and ICCTA supersede other federal laws when hazmat is transported by rail.	No	No	Increases regulatory efficiency and certainty by ensuring that railroads, which operate throughout the U.S. must comply with a single federal standard rather than a patchwork of potentially conflicting state requirements
Federal Railroad Administration									
Railroad Safety Enforcement Procedures (Civil Penalty Process)	Guidance	Part 209	Regulations that impose significant costs upon private parties that are not outweighed by public benefits; Regulations that impede private enterprise and entrepreneurship.	Modify	Ill-advised	Clarify that enforcement attorneys have discretion to dismiss a technical violation where the challenged conduct does not raise a practical safety issue, consistent with the DOT Memorandum on Procedural Requirements for Enforcement Actions.	No	No	Streamlines the enforcement process and supports Administration policy by enabling an attorney to dismiss a violation if the challenged conduct does not present a safety issue.
Railroad Safety Enforcement Procedures (Individual Liability)	Regulation	Part 209	Regulations that impose significant costs upon private parties that are not outweighed by public benefits.	Modify	Ill-advised	Reduce level of culpability for individual liability. Current standard is willful for monetary penalties; discourages from assessing fault where it might belong because for individual liability is too high. Instead, FRA often just assesses a penalty against the railroad even though the employee has been appropriately trained. It does not serve as a disincentive against conduct that should be corrected.	No	No	None.

Name/Issue	Administrative Action	Relevant Part, Subpart, or Section	EO 14219 Category	Action Requested	Reason	Description of Action Requested	Statutory Mandate Impaired	Will this modernize regulations? (If yes, how)	Impact on Regulatory Costs
Watchman/ Lookout	Regulation	Part 214	Regulations that impose significant costs upon private parties that are not outweighed by public benefits; Regulations that harm the national interest by significantly and unjustifiably impeding technological innovation; Regulations that impede private enterprise and entrepreneurship.	Modify	Ill-advised	Modify existing prescriptive regulations by incorporating performance-based standards to allow for relief where technology can safely replace watchman or lookout.	No	No	Modifying the regulation would incentivize investment in safety-enhancing technological innovation that protects roadway workers.
Cross-border Inspections	Regulation	Part 215, Part 232	Regulations that impose significant costs upon private parties that are not outweighed by public benefits; Regulations that impede private enterprise and entrepreneurship.	Repeal	Ill-advised	Eliminate the prohibition, without FRA approval, on mechanical and air brake inspections performed in Mexico prior to entering the U.S., which creates long, unnecessary delays at or near the border (unrelated to CBP processes) while crews perform an unnecessary series of tests that expose them to safety and security concerns. Railroads would still be required to inspect a train and its equipment according to FRA standards, but would not need FRA approval to perform those tests in Mexico prior to crossing the border into the U.S.	Yes. Sec. 416 of the RSIA 2008.	No	Relief from this procedural requirement would eliminate a significant burden on US/Mexican border operations.
Freight Car Safety Standards (Movement of Defective Cars for Repair)	Regulation	215.9	Regulations that impose significant costs upon private parties that are not outweighed by public benefits; Regulations that harm the national interest by significantly and unjustifiably impeding technological innovation; Regulations that impede private enterprise and entrepreneurship.	Modify	Unnecessary	Eliminate antiquated requirements for moving defective equipment to shop, which include items such as written notification and the placement of physical “bad order” tags on cars. Filling out a card and tacking the card on the side of a freight car serves no purpose in 2025. Freight cars are regularly inspected using technology (high-definition cameras, heat sensors, etc.) as they travel at track speed. Generally, speed restrictions are not necessary, but if a speed restriction is	No	Yes. The current regulation disincentivizes the use of technology by focusing on antiquated methods for identifying defective cars that were developed prior to the widespread availability of technology-based tracking methods.	Eliminating unnecessary requirements would reduce regulatory burdens by increasing operational efficiency and avoiding reliance on outdated methods that serve no purpose and have no safety benefit in modern railroad practices.

Name/Issue	Administrative Action	Relevant Part, Subpart, or Section	EO 14219 Category	Action Requested	Reason	Description of Action Requested	Statutory Mandate Impaired	Will this modernize regulations? (If yes, how)	Impact on Regulatory Costs
						implemented, it can be initiated electronically by a railroad rule or by a mechanical person at the system level who is able to make such a decision after reviewing information obtained by a technology-based inspection. (<i>See also</i> , discussion of 49 CFR 232.15)			
Designated inspectors	Regulation	215.11	Regulations that impose significant costs upon private parties that are not outweighed by public benefits; Regulations that harm the national interest by significantly and unjustifiably impeding technological innovation; Regulations that impede private enterprise and entrepreneurship.	Modify	Unnecessary	Eliminate the requirement that railroads maintain a program of written documentation designating personnel qualified to inspect railcars for compliance. Records can be electronic, and there is no need for records to be written.	No	Yes. The current regulation disincentivizes the use of technology by focusing on antiquated methods for identifying defective cars that were developed prior to the widespread availability of technology-based inspection methods.	Eliminating unnecessary requirements would reduce regulatory burdens by increasing operational efficiency and avoiding reliance on outdated methods that serve no purpose and have no safety benefit in modern railroad practices.
Pre-departure inspection	Regulation	215.13(a)	Regulations that impose significant costs upon private parties that are not outweighed by public benefits; Regulations that harm the national interest by significantly and unjustifiably impeding technological innovation; Regulations that impede private enterprise and entrepreneurship.	Repeal	Unnecessary	Eliminate the pre-departure visual inspection requirement because it is redundant, repetitive, obsolete. Historically, an arbitrary event such as adding a car to a train was the only natural way to communicate an expectation that a car's condition should be evaluated somewhat regularly. However, car construction, component durability, and the capabilities and population of wayside detectors have far surpassed the capabilities available when this regulation was written. Detector-based inspections are consistent, comprehensive, and capable of inspecting components in their stress state without exposing an employee to potentially unsafe conditions.	No	Yes. The current regulation disincentivizes the use of technology by focusing on antiquated methods for identifying defective cars that were developed prior to the widespread availability of technology-based inspection methods. As an example, 215.213(a) requires a person to inspect freight cars at "each location where a freight car is placed in a train." If a car or string of cars that have a pre-departure inspection are handed off to another train, the cars must be inspected again, simply because they were "placed in a train." Moreover, if that train then divides into two, then FRA requires one of the trains to have another pre-departure inspection. However, if the train does not	Eliminating unnecessary requirements would reduce regulatory burdens by increasing operational efficiency and avoiding reliance on outdated methods that serve no purpose and have no safety benefit in modern railroad practices. It will reduce freight delays and highway crossing blockages while improving customer service. It will also increase safety by not requiring rail personnel to needlessly walk around stationary trains in rail yards, sidetracks, and main tracks during inclement weather, darkness, and other adverse conditions. It will enable railroads operations to be more fluid and reliable, thus improving the supply chain.

Name/Issue	Administrative Action	Relevant Part, Subpart, or Section	EO 14219 Category	Action Requested	Reason	Description of Action Requested	Statutory Mandate Impaired	Will this modernize regulations? (If yes, how)	Impact on Regulatory Costs
								divide, no additional inspections are required. This makes no sense.	
Freight Car Safety Standards (Restrictions on train crew inspections)	Regulation	215.13(b)	Regulations that impose significant costs upon private parties that are not outweighed by public benefits; Regulations that harm the national interest by significantly and unjustifiably impeding technological innovation.	Repeal	Makes no sense	Eliminate the restriction on train crews from inspecting freight cars if carmen are on duty at the same location.	No	Yes. The current regulation disincentivizes the use of technology by focusing on redundant visual inspections rather than technology-based inspection methods.	Eliminating unnecessary workforce restrictions will increase the railroad's flexibility in the assignment of labor and will eliminate the time that train crews sit and wait while carmen perform routine train inspections. This will result in more fluid operations and greater flexibility. The result will be improved customer service.
Periodic inspection	Regulation	215.15	Regulations that impose significant costs upon private parties that are not outweighed by public benefits; Regulations that harm the national interest by significantly and unjustifiably impeding technological innovation; Regulations that impede private enterprise and entrepreneurship.	Repeal	Unnecessary	Eliminate the periodic visual inspection requirement because it is obsolete. Historically, an arbitrary event such as adding a car to a train was the only natural way to communicate an expectation that a car's condition should be evaluated somewhat regularly. However, car construction, component durability, and the capabilities and population of wayside detectors have far surpassed the capabilities available when this regulation was written. Detector-based inspections are consistent, comprehensive, and capable of inspecting components in their stress state without exposing an employee to potentially unsafe conditions.	No	Yes. The current regulation disincentivizes the use of technology by focusing on antiquated methods for identifying defective cars that were developed prior to the widespread availability of technology-based inspection methods.	Eliminating unnecessary requirements would reduce regulatory burdens by increasing operational efficiency and avoiding reliance on outdated methods that serve no purpose and have no safety benefit in modern railroad practices.
H Stencil on Wheels	Regulation	215.103	Regulations that impose significant costs upon private parties that are not outweighed by public benefits; Regulations that harm the national interest by significantly and unjustifiably impeding technological innovation; Regulations	Modify	Ineffective	Existing regulations should be modified because they are ineffective in addressing safety concerns. For instance, the existing wheel flange height requirement has no safety nexus or accident history, and increasing the height would allow for more expedient handling under existing industry standards without triggering an FRA violation. Visual inspection of oil seepage is not an	No	Yes. The current regulation disincentivizes the use of technology by focusing on antiquated methods for identifying defective cars that were developed prior to the widespread availability of technology-based tracking methods.	Modifying the existing regulations will reduce regulatory costs by increasing operational flexibility in a manner that is consistent with railroad safety. Industry estimates are that removing the "H" stencil requirement would result in annualized savings of \$3.5 million with a 10-year net present value after tax of \$13.7 million.

Name/Issue	Administrative Action	Relevant Part, Subpart, or Section	EO 14219 Category	Action Requested	Reason	Description of Action Requested	Statutory Mandate Impaired	Will this modernize regulations? (If yes, how)	Impact on Regulatory Costs
			that impede private enterprise and entrepreneurship.			effective validation tool for determining if a wheel is loose. Railroads are still required to stencil a white letter “H” on nearly every wheel in service today to satisfy a decades-old waiver that exempts heat treated-curved plate wheels from the regulatory requirements.			
Bearing Seepage	Regulation	215.115	Regulations that impose significant costs upon private parties that are not outweighed by public benefits; Regulations that harm the national interest by significantly and unjustifiably impeding technological innovation; Regulations that impede private enterprise and entrepreneurship.	Modify	Ineffective	Revise roller bearing requirements by removing references to “telltale signs of overheating,” “clearly formed droplets,” and 200-foot dragging. These are not effective tools for measuring a defective roller bearing. For example, all bearings seep, regardless of a defect. Wayside detection technology is superior at identifying defects than these visual indicators.	No	Yes. The current regulation disincentivizes the use of technology by focusing on antiquated methods for identifying defective cars that were developed prior to the widespread availability of technology-based inspection methods.	Reduces regulatory burdens by eliminating unnecessary remedial actions taken for regulatory compliance rather than railroad safety.
Bearing Adapter Inspection	Regulation	215.117	Regulations that impose significant costs upon private parties that are not outweighed by public benefits; Regulations that harm the national interest by significantly and unjustifiably impeding technological innovation; Regulations that impede private enterprise and entrepreneurship.	Modify	Unnecessary	Revise the regulation by removing the requirement to visually inspect the wear on the crown of the adapter.	No	Yes. The regulation is missing complex details covering wear and limiting criteria. Guidance on pads is also not covered.	Modifying the existing regulations will reduce regulatory costs by increasing operational flexibility in a manner that is consistent with railroad safety.

Name/Issue	Administrative Action	Relevant Part, Subpart, or Section	EO 14219 Category	Action Requested	Reason	Description of Action Requested	Statutory Mandate Impaired	Will this modernize regulations? (If yes, how)	Impact on Regulatory Costs
Crack and Anti-Creep Criteria for Couplers	Regulation	215.123	Regulations that impose significant costs upon private parties that are not outweighed by public benefits; Regulations that harm the national interest by significantly and unjustifiably impeding technological innovation; Regulations that impede private enterprise and entrepreneurship.	Modify	Ineffective	FRA's interpretation of regulations treating hot tears as cracks and anticreep conflict with existing industry standards and are subject to misinterpretation. Figure 2 of the current regulation is incorrect and should be deleted.	No	Yes. The requested change will incentivize the use of updated industry standards in the place of obsolete and incorrectly interpreted regulations.	Modifying the existing regulations will reduce regulatory costs by increasing operational flexibility in a manner that is consistent with railroad safety.
Defective draft arrangement	Regulation	215.127	Regulations that impose significant costs upon private parties that are not outweighed by public benefits; Regulations that harm the national interest by significantly and unjustifiably impeding technological innovation; Regulations that impede private enterprise and entrepreneurship.	Modify	Unnecessary	Delete the existing regulatory requirement related to “clearly formed droplets.” Since 2013, AAR members have operated under waiver permitting a cushioning unit leaking clearly formed droplets to remain in service if the unit is equipped with a unit condition indicator ("UCIs") that indicates the cushioning unit is functioning as intended. In 2020, FRA stated it would initiate a rulemaking to incorporate the waiver into the regulations. FRA has not done so even though data shows that these cars are safe.	No	Yes. The current regulation disincentivizes the use of technology by focusing on antiquated methods for identifying defective cars that were developed prior to the widespread availability of technology-based inspection methods.	Reduces regulatory burdens by eliminating unnecessary remedial actions taken for regulatory compliance rather than railroad safety.
Freight Car Safety Standards (50-year Life Span)	Regulation	215.203(a)(1)	Regulations that impose significant costs upon private parties that are not outweighed by public benefits; Regulations that harm the national interest by significantly and unjustifiably impeding technological innovation; Regulations that impede private enterprise and entrepreneurship.	Repeal	Ill-advised	Delete the prohibition on the use of any freight car more than 50 years old because it is obsolete and burdensome. (<i>See also</i> , discussion about Part 215, Appendix A).	No	Yes. This outdated regulation causes freight cars to be removed from service earlier than would otherwise be necessary to avoid reaching 50 years of age. The restriction is a holdover from a time when freight cars with many wooden components were still in operation.	Considerable time and resources are expended by railroads and car owners in pursuit of FRA waivers, which require FRA inspections, waivers, and (if applicable) Increased Life Service approvals by FRA. This regulation places a large burden on railroads and car owners who may want to upgrade freight cars by following AAR's ILS standards.

Name/Issue	Administrative Action	Relevant Part, Subpart, or Section	EO 14219 Category	Action Requested	Reason	Description of Action Requested	Statutory Mandate Impaired	Will this modernize regulations? (If yes, how)	Impact on Regulatory Costs
Stenciling of restricted cars	Regulation	215.303	Regulations that impose significant costs upon private parties that are not outweighed by public benefits; Regulations that harm the national interest by significantly and unjustifiably impeding technological innovation.	Repeal	Unnecessary	This section requires markings for restricted cars that are more than 50 years old. The provision should be eliminated along with the requirements in 215.203.	No	Yes. This regulation is outdated. The restriction is a holdover from a time when freight cars with many wooden components were still in operation.	Modifying the existing guidance will reduce regulatory costs by increasing operational flexibility in a manner that is consistent with railroad safety.
Restricted Railcar Components	Regulation	Part 215, Appendix A	Regulations that impose significant costs upon private parties that are not outweighed by public benefits; Regulations that harm the national interest by significantly and unjustifiably impeding technological innovation; Regulations that impede private enterprise and entrepreneurship.	Repeal	Obsolete	Delete Appendix A because it is based on antiquated practices and is overly restrictive. Current industry standards effectively manage safety-critical components using the AAR Equipment Advisory system, and the Field Manual of the AAR Interchange Rules is used to remove less critical obsolete components. (<i>See also</i> , discussion about 49 CFR 215.203(a)(1))	No	Yes. This regulation is outdated. The restriction is a holdover from a time when freight cars with many wooden components were still in operation.	Modifying the existing guidance will reduce regulatory costs by increasing operational flexibility in a manner that is consistent with railroad safety.
Blue Signal Protection	Regulation	Part 218, Subpart B	Regulations that impose significant costs upon private parties that are not outweighed by public benefits; Regulations that impede private enterprise and entrepreneurship.	Modify	Ill-advised	Establish a performance-based approach to blue signal protection that is not overly prescriptive and ensures the protection of employees while limiting the impacts of rail operations. The industry believes the unintended consequence of this regulation creates an exposure by requiring employees to spend a significant amount of time accessing the tracks ahead of, and behind a train to set the blue flags as required by §218.27 when the proven model used by utility personnel would offer sufficient protection.	No	No	Modifying the existing guidance will reduce regulatory costs by increasing operational flexibility in a manner that is consistent with railroad safety. For example, in many instances the utility employee is already in position to perform the task but is not allowed to complete the small task due to the burden associated with the regulatory requirement. As a result, the conductor must be removed from the locomotive and transported back to complete the task or the utility employee would need to drive to each end of the equipment, put up a blue signal and apply a blue tag on the control stand prior to beginning any work.

Name/Issue	Administrative Action	Relevant Part, Subpart, or Section	EO 14219 Category	Action Requested	Reason	Description of Action Requested	Statutory Mandate Impaired	Will this modernize regulations? (If yes, how)	Impact on Regulatory Costs
Considerations for Implementing Technology Aided Point Protection/ Cameras	Regulation	Part 218	Regulations that impose significant costs upon private parties that are not outweighed by public benefits; Regulations that harm the national interest by significantly and unjustifiably impeding technological innovation; Regulations that impede private enterprise and entrepreneurship.	Modify	Ineffective	Create a performance-based standard. Remove the crossing diagnostic team requirement for the evaluation of every crossing as unnecessary. Railroads should have discretion to select and apply appropriate technology. Remove the "factors" listed for the crossing diagnostics team. Require notification FRA only rather than approval to assist with certainty and support operational flexibility. Simplify the camera use standard to allow for technological advancements that support safety and efficiency.	No	No	Modifying the existing regulation will reduce regulatory costs by increasing operational flexibility in a manner that is consistent with railroad safety.
Electronic Devices	Regulation	Part 220, subpart C	Regulations that impose significant costs upon private parties that are not outweighed by public benefits; Regulations that harm the national interest by significantly and unjustifiably impeding technological innovation; Regulations that impede private enterprise and entrepreneurship.	Modify	Outdated	Amend existing regulations to allow employees to utilize electronic devices in the cab of the locomotive that are related to health care (such as Bluetooth enabled hearing aids and/or glucose monitors) that tie-into personal electronic devices (such as watches or phones, while also prohibiting the use of those devices from distracting the crew from performing their respective duties.	No	Yes	Technology-based health tools can be valuable to employers and employees because they assist the employees in performing their job tasks in a safe manner, provided appropriate restrictions are in place to ensure that the tools do not become a distraction.
Locomotive Horns	Regulation	Part 222	Regulations that are based on anything other than the best reading of the underlying statutory authority; Regulations that impose significant costs upon private parties that are not outweighed by public benefits; Regulations that impede private enterprise and entrepreneurship.	Modify	Ill-advised	Modify existing regulations to clarify that a horn failure only applies to a horn that fails to sound, not a horn that is stuck. The lack of clarity results in an overly broad application of the regulation, which can lead to stopping a train for no real safety reason, delaying commerce.	No	No	Modifying the existing regulations will reduce regulatory costs by clarifying a poor reading of the regulation that has resulted in a disruption to interstate commerce.

Name/Issue	Administrative Action	Relevant Part, Subpart, or Section	EO 14219 Category	Action Requested	Reason	Description of Action Requested	Statutory Mandate Impaired	Will this modernize regulations? (If yes, how)	Impact on Regulatory Costs
Reflectorization	Regulation	Part 224	Regulations that impede private enterprise and entrepreneurship.	Modify	Ill-advised	Finalize the NPRM published in July 2022 that codifies existing waivers on reflectorization and include revisions to allow for inspection by a light source (rather than requiring a comparator panel) and eliminating the requirement that performance evaluation occur at 10-20 feet.	No	No	Finalizing the NPRM would reduce costs associated with the need to periodically submit waiver petitions and would allow railroads and private car owners to replace retroreflective sheeting based on performance, instead of time, thus increasing efficient use of resources and reducing environmental waste from discarding retroreflective sheeting prior to the end of its useful life. FRA estimated in 2022 that the regulatory change would result in more \$ 5.2 million (PV 7%) in annualized cost savings.
Safety Incident Reporting (Railroad Safety Metrics)	Regulation	Part 225	Regulations that impose significant costs upon private parties that are not outweighed by public benefits; Regulations that impede private enterprise and entrepreneurship.	Modify	Makes no sense	Revise reporting requirements that unfairly inflate railroad incident statistics or create an inaccurate perception of railroad safety. Examples: train-mile metrics are misleading when train miles decrease while gross ton miles remain flat or increase; weather-caused incidents should be identified as such; when a railroad is operating on another railroad's track and an accident occurs, the accident counts against both railroads instead of just the railroad responsible for the accident; and when a railroad is operating on a customer's track an accident on the customer's track that is not the railroad's fault still counts against the railroad.	No	No. The issue is not modernization; it is accuracy and fairness. Incorrect accident statistics do not serve the public interest. They undermine public trust in a way that impedes private enterprise.	No. The issue is not regulatory costs; it is accuracy and fairness. Incorrect accident statistics do not serve the public interest. They undermine public trust in a way that impedes private enterprise.
Safety Incident Reporting (Threshold)	Regulation	Part 225	Regulations that impose significant costs upon private parties that are not outweighed by public benefits; Regulations that impede private enterprise and entrepreneurship.	Modify	Ill-advised	The current accident reporting threshold is \$12,400, which is far too low and results in capturing information that is not useful for improving railroads safety. Increase the accident reporting threshold so that only significant accidents are reported.	No	No	Modifying the reporting threshold will reduce administrative burdens for railroads and FRA while ensuring that FRA receives information on the types of accidents that potential impact railroad safety.

Name/Issue	Administrative Action	Relevant Part, Subpart, or Section	EO 14219 Category	Action Requested	Reason	Description of Action Requested	Statutory Mandate Impaired	Will this modernize regulations? (If yes, how)	Impact on Regulatory Costs
Incident Reporting	Regulation	Part 225	Regulations that impose significant costs upon private parties that are not outweighed by public benefits; Regulations that harm the national interest by significantly and unjustifiably impeding technological innovation	Modify	Makes no sense	Railroads should be able to electronically report accidents to the National Response Center (NRC). Current PHMSA pipeline regulations allow for electronic reporting to the NRC. However, FRA and PHMSA Hazmat regulations require telephonic reporting. This will require coordination with the NRC for it to update its response system to accommodate electronic reporting from railroads.	No	Yes. Requiring telephonic reporting is antiquated and fails to make use of existing electronic capabilities, which could be a framework for adding new capabilities to ensure that the FRA/PHMSA get required information quickly, but also in a manner that is efficient for the reporting railroad.	The current regulations (and the system capabilities of the NRC) require railroads to make telephonic reports of incidents. The phone lines are often congested resulting in substantial hold times (minutes to hours), which is an inefficient and ineffective use of the reporting railroad's time. Allowing electronic reporting could streamline the reporting process by creating a single repository for reporting information, which would help to eliminate inefficiencies in the transmission of required incident-related information. Additionally, it could streamline incident response because once the NRC begins to collect such information, it would be able to disseminate the information to the appropriate response personnel in the event of an incident.
Hours of Service (Installations of Equipment on Locomotives)	Guidance	Part 228, Part 236	Regulations that are based on anything other than the best reading of the underlying statutory authority; Regulations that impose significant costs upon private parties that are not outweighed by public benefits; Regulations that impede private enterprise and entrepreneurship.	Modify	Ill-advised	FRA should revise its hours of service guidance to exclude installations of PTC and cab signal equipment from hours of service requirements. This interpretation is overbroad, and there is no safety benefit to require such employees to be subject to the hours of service requirements.	No	No	Modifying the existing guidance will reduce regulatory costs by increasing operational flexibility in a manner that is consistent with railroad safety.
Hours of Service (Deadhead Employees)	Guidance	Part 228	Regulations that are based on anything other than the best reading of the underlying statutory authority; Regulations that impose significant costs upon private parties that are not outweighed by public benefits; Regulations that impede private enterprise and entrepreneurship.	Modify	Ill-advised	<p>FRA should revise its hours of service guidance related to deadhead transportation. Its interpretation is overbroad, and there is no safety benefit to require such employees to be subject to the hours of service requirements.</p> <p>Revisions should include changing the treatment of employees waiting for transportation at the end of the tour, which encourages work events that unnecessarily create safety exposures solely to avoid compliance failures.</p>	No	No	Modifying the existing guidance will reduce regulatory costs by increasing operational flexibility in a manner that is consistent with railroad safety.

Name/Issue	Administrative Action	Relevant Part, Subpart, or Section	EO 14219 Category	Action Requested	Reason	Description of Action Requested	Statutory Mandate Impaired	Will this modernize regulations? (If yes, how)	Impact on Regulatory Costs
Hours of Service (Dispatching service employees)	Regulation	Part 228.19(d)	Regulations that impose significant costs upon private parties that are not outweighed by public benefits; Regulations that harm the national interest by significantly and unjustifiably impeding technological innovation; Regulations that impede private enterprise and entrepreneurship.	Modify	Restricted	The FRA should revise its hours of service guidance for dispatching service employees. The current interpretation restricts dispatching services, and railroads should have the flexibility to choose between 8-hour or 12-hour shifts, regardless of the type of office.	No	Yes, existing regulation limits railroads from operating with 12-hour shifts. The change will allow railroads to decide whether an 8-hour or 12-hour shift is beneficial for any given territory while maintaining safety standards.	Modifying the existing regulation will reduce regulatory costs because each railroad will have operational flexibility to implement an efficient mix of 8-hour or 12-hour shifts. Plus, in the case of last-minute attendance issues, railroads have the flexibility to keep a territory protected until the vacancy can be filled without an HOS violation. Thus, further reducing costs by eliminating reporting requirements.
Locomotive Safety Standards (Periodic Testing)	Regulation	Part 229	Regulations that impose significant costs upon private parties that are not outweighed by public benefits; Regulations that harm the national interest by significantly and unjustifiably impeding technological innovation; Regulations that impede private enterprise and entrepreneurship.	Modify	Makes no sense	Modern locomotives equipped with advanced microprocessor-based on-board electronic condition monitoring controls must receive periodic inspections performed by a Qualified Mechanical Inspector (QMI) every 184 days. However, these modern locomotives must also undergo a daily inspection performed by a QMI every 33 days. Older, less reliable locomotives only need to be inspected by a QMI every 92 days. The 33-day QMI inspection frequency often causes locomotives to remain out of service as they await QMI inspections. At minimum, FRA should extend the daily inspection requirement for microprocessor-based locomotives from 33 to 92 days.	No	Yes. The requested change will incentivize the use of modern technology by increasing operational efficiency.	Modifying the existing regulation will reduce regulatory costs by increasing operational flexibility in a manner that is consistent with railroad safety.
Remote Control Locomotives	Regulation	Part 229	Regulations that impose significant costs upon private parties that are not outweighed by public benefits; Regulations that harm the national interest by significantly and unjustifiably impeding technological innovation; Regulations	Repeal	Unnecessary	Eliminate the need to test RCL equipment at shift change when the equipment remains linked up, and eliminate the need to test pullback protection at shift change when equipment remains linked up and the pullback has already been shown to function as intended. There is no safety justification for the requirements because the equipment has been thoroughly tested at link up	No	Yes. The requested change will incentivize the use of modern technology by increasing operational efficiency.	Modifying the existing regulations will reduce regulatory costs by increasing operational flexibility in a manner that is consistent with railroad safety.

Name/Issue	Administrative Action	Relevant Part, Subpart, or Section	EO 14219 Category	Action Requested	Reason	Description of Action Requested	Statutory Mandate Impaired	Will this modernize regulations? (If yes, how)	Impact on Regulatory Costs
			that impede private enterprise and entrepreneurship.			and is electronically protected from component failure.			
Railroad Safety Appliance Standards	Regulation	Part 231	Regulations that impose significant costs upon private parties that are not outweighed by public benefits; Regulations that harm the national interest by significantly and unjustifiably impeding technological innovation; Regulations that impede private enterprise and entrepreneurship.	Modify	Obsolete	Update this part to specifically cover new freight cars built that may not fall under AAR Standard S-2044, which was recognized by FRA in 2011. Some subparts of Part 231 may need to be kept for legacy purposes (for guidance on older cars that are in service), though for that purpose the terminology need to be modernized.	No	Yes. The requested change will incentivize the use of modern ergonomic standards to address current operational needs without negatively impacting safety.	Modifying the existing regulations will reduce regulatory costs by increasing operational flexibility in a manner that is consistent with railroad safety.
Box and other house cars with roofs, 16 feet 10 inches or more above top of rail	Regulation	231.24	Regulations that impose significant costs upon private parties that are not outweighed by public benefits; Regulations that impede private enterprise and entrepreneurship.	Modify	Obsolete	Eliminate the existing regulatory requirement to paint taller cars and stencil "Excess Height Car." The requirement is obsolete relative to its intended purpose (safety of those walking along tops of railcars/trains). The requirement to use anti-skid paint on the top of a sliding center sill seems to encourage the unsafe practice of using the sill as a walking surface and no longer makes sense.	No	Yes. Discourages outdated practices that are unsafe.	Eliminating the painting and marking requirements on new cars is expected to reduce regulatory costs, as would eliminating the requirement to perform maintenance associated with painting and marking.
231.27 Box and other house cars without roof hatches or placed in service after October 1, 1966	Regulation	231.27	Regulations that impose significant costs upon private parties that are not outweighed by public benefits; Regulations that impede private enterprise and entrepreneurship.	Modify	Obsolete	Same action as discussed above with respect to 49 CFR 231.24.	No	Yes. Discourages outdated practices that are unsafe.	Eliminating the painting and marking requirements on new cars is expected to reduce regulatory costs, as would eliminating the requirement to perform maintenance associated with painting and marking.
Remote Control Locomotives	Regulation	Part 232	Regulations that impose significant costs upon private parties that are not outweighed by public benefits; Regulations that harm	Repeal	Unnecessary	Eliminate the need to secure a RCL when operator is repositioning or when the train is monitored. The RCL equipment is electronically protected against unintentional movement. Graduated penalty brake applications	No	Yes. The requested change will incentivize the use of modern technology by increasing operational efficiency.	Modifying the existing regulations will reduce regulatory costs by increasing operational flexibility in a manner that is consistent with railroad safety.

Name/Issue	Administrative Action	Relevant Part, Subpart, or Section	EO 14219 Category	Action Requested	Reason	Description of Action Requested	Statutory Mandate Impaired	Will this modernize regulations? (If yes, how)	Impact on Regulatory Costs
			the national interest by significantly and unjustifiably impeding technological innovation; Regulations that impede private enterprise and entrepreneurship.			are made when the RCL computer detects unintentional movement. Full service is the first penalty assessed along with a fault warning on the OCU/ICU to the operator. If the movement continues, an emergency brake application will be assessed by the onboard computer.			
Brake System Safety (Movement of Defective Equipment)	Regulation	Part 232.15, Part 215	Regulations that impose significant costs upon private parties that are not outweighed by public benefits; Regulations that harm the national interest by significantly and unjustifiably impeding technological innovation; Regulations that impede private enterprise and entrepreneurship.	Modify	Makes no sense	Revise overly burdensome existing regulations that result in unnecessary burdens and increased exposure to incidents. For example, in some cases the nearest location for repair will require backward movement, and additional switching and handling, which is less safe than allowing the train or car to continue to the nearest forward location, is required. Additionally, wayside technology identifies defective equipment while in movement. Identifying a safe speed requirement is unnecessary as is having a written notification requirement. The regulation needs to be rewritten to allow electronic tracking of movement. Additionally, the terminology used in this section needs to be revisited, as the word "Defective" is not always appropriate. There can be a car that needs attention but is not defective. (See <i>also</i> , discussion about 49 CFR 215.9).	Yes. 49 U.S.C. 20303.	Yes. The current regulation disincentivizes the use of technology by focusing on antiquated methods for identifying defective brake systems that were developed prior to the widespread availability of technology-based tracking methods.	Modifying the existing regulation will reduce regulatory costs by increasing operational flexibility in a manner that is consistent with railroad safety.
General requirements for all train brake systems	Regulation	232.103	Regulations that impose significant costs upon private parties that are not outweighed by public benefits; Regulations that harm the national interest by significantly and unjustifiably impeding technological	Modify	Unnecessary	Revise the existing regulation based on the recognition that extended range dynamic brakes are the industry standard, unlike during the era when this regulation was written, and, relatedly, to address the requirement for 85% operable brakes when in-route between repair locations.	No	Yes. The current regulation disincentivizes the use of technology by focusing on antiquated methods for identifying defective brake systems prior to the widespread availability of technology-based tracking methods.	Modifying the existing regulation will reduce regulatory costs by increasing operational flexibility in a manner that is consistent with railroad safety.

Name/Issue	Administrative Action	Relevant Part, Subpart, or Section	EO 14219 Category	Action Requested	Reason	Description of Action Requested	Statutory Mandate Impaired	Will this modernize regulations? (If yes, how)	Impact on Regulatory Costs
			innovation; Regulations that impede private enterprise and entrepreneurship.						
Air source requirements and cold weather operations	Regulation	232.107	Regulations that impose significant costs upon private parties that are not outweighed by public benefits; Regulations that harm the national interest by significantly and unjustifiably impeding technological innovation; Regulations that impede private enterprise and entrepreneurship.	Modify	Unnecessary	Modify existing regulation by deleting subparagraphs related to yard air sources that are not operating as intended or found to be introducing contaminants.	No	Yes. The current regulation disincentivizes the use of technology by focusing on antiquated methods for identifying defective brake systems prior to the widespread availability of technology-based tracking methods.	Modifying the existing regulation will reduce regulatory costs by increasing operational flexibility in a manner that is consistent with railroad safety.
Class I brake test-initial terminal inspection	Regulation	232.205	Regulations that impose significant costs upon private parties that are not outweighed by public benefits; Regulations that harm the national interest by significantly and unjustifiably impeding technological innovation; Regulations that impede private enterprise and entrepreneurship.	Modify	Unnecessary	Rewrite the existing requirements, including increasing the off air time to 48 hours (or 120 hours when behind closed gate), allowing roll-by inspections, use of QP based on collective bargaining agreements.	No	Yes. The current regulation disincentivizes the use of technology by focusing on antiquated methods for identifying defective brake systems prior to the widespread availability of technology-based tracking methods.	Modifying the existing regulation will reduce regulatory costs by increasing operational flexibility in a manner that is consistent with railroad safety.
Class IA Air Brake Tests	Regulation	232.207	Regulations that impose significant costs upon private parties that are not outweighed by public benefits; Regulations that harm the national interest by significantly and unjustifiably impeding technological innovation; Regulations that impede private	Modify	Makes no sense	Increase the 1,000-mile limit to 1,500 miles for inspections performed by an FRA-recognized QP in recognition of the significant improvements in brake systems since the regulation was last updated in 1982, as evidenced by the fact that equipment-caused accidents have dropped more than 4.3-fold since 1982, due to large investments in brake components, requirements, testing, and technology.	No	Yes. The 1,000-mile limit between brake tests is no longer justified. In 2001, FRA allowed trains inspected by a QMI to travel up to 1,500 miles under strict conditions and has subsequently granted waivers up to 1,702 miles. Moreover, to incentivize ECP brakes, FRA has allowed trains to travel 3,500 miles between brake tests. However, the 1,000-mile limit for QP inspection remains a	Expanding the range of QP brake inspections will reduce the need for unnecessary inspections, increase the efficiency of rail transportation and increase the efficiency of the supply chain.

Name/Issue	Administrative Action	Relevant Part, Subpart, or Section	EO 14219 Category	Action Requested	Reason	Description of Action Requested	Statutory Mandate Impaired	Will this modernize regulations? (If yes, how)	Impact on Regulatory Costs
			enterprise and entrepreneurship.					burdensome and unexplained holdover.	
Extended haul trains	Regulation	232.213	Regulations that impose significant costs upon private parties that are not outweighed by public benefits; Regulations that harm the national interest by significantly and unjustifiably impeding technological innovation; Regulations that impede private enterprise and entrepreneurship.	Modify	Unnecessary	Revise the regulation to increase mileage requirements for all brake tests. Such requirements were created through arbitrarily negotiated agreements or other historical conditions, and do not reflect the modern realities of the durability of the air brake equipment. Railroads have operated thousands of trains in excess of 1,500 miles based on waivers without incident, which proves increased mileage requirements do not present a safety concern. Many of the reporting requirements for extended haul trains create unnecessary reporting burdens. The existing regulation also places restrictions on pickups and setouts that reduce the efficiency of operations without a corresponding safety benefit.	No	Yes. The current regulation disincentivizes the use of technology by focusing on antiquated methods for identifying defective brake systems prior to the widespread availability of technology-based tracking methods. (<i>See also</i> , discussion about 49 CFR 232. 207).	Modifying the existing regulation will reduce regulatory costs by increasing operational flexibility in a manner that is consistent with railroad safety.
Train brake tests conducted using yard air	Regulation	232.217	Regulations that impose significant costs upon private parties that are not outweighed by public benefits; Regulations that harm the national interest by significantly and unjustifiably impeding technological innovation; Regulations that impede private enterprise and entrepreneurship.	Modify	Unnecessary	The existing regulation should be revised to include the use of digital trainyard testing equipment, and here should be a new provision created for increased mileage due to the use of digital technology. When performing brake test(s) with digital testing equipment, the time off air should be extended to 48 hours. This would also include tests conducted with at locomotives since the sensitivity to leakage is far greater with a digital apparatus.	No	Yes. The current regulation disincentivizes the use of technology by focusing on antiquated methods for identifying defective brake systems prior to the widespread availability of technology-based tracking methods.	Modifying the existing regulation will reduce regulatory costs by increasing operational flexibility in a manner that is consistent with railroad safety.

Name/Issue	Administrative Action	Relevant Part, Subpart, or Section	EO 14219 Category	Action Requested	Reason	Description of Action Requested	Statutory Mandate Impaired	Will this modernize regulations? (If yes, how)	Impact on Regulatory Costs
Brake System Safety (General requirements)	Regulation	232.303	Regulations that impose significant costs upon private parties that are not outweighed by public benefits; Regulations that harm the national interest by significantly and unjustifiably impeding technological innovation; Regulations that impede private enterprise and entrepreneurship.	Modify	Unnecessary	Revise definitions of “major repair” and “minor repair” to better track existing technology. For example, wheel changeouts are categorized as major repairs but are routine repairs that can be performed in-train, which would reduce time and exposure because of unnecessary switching and handling.	No	Yes. The current regulation disincentivizes the use of technology by focusing on antiquated methods for identifying defective brake systems prior to the widespread availability of technology-based tracking methods.	Modifying the existing regulation will reduce regulatory costs by increasing operational flexibility in a manner that is consistent with railroad safety.
Single car air brake tests	Regulation	232.305	Regulations that impose significant costs upon private parties that are not outweighed by public benefits; Regulations that harm the national interest by significantly and unjustifiably impeding technological innovation; Regulations that impede private enterprise and entrepreneurship.	Modify	Unnecessary	Revise time limits between inspections as they are overly restrictive.	No	Yes. The current regulation disincentivizes the use of technology by focusing on antiquated methods for identifying defective brake systems prior to the widespread availability of technology-based tracking methods.	Modifying the existing regulation will reduce regulatory costs by increasing operational flexibility in a manner that is consistent with railroad safety.
Brake System Safety (End-of-train Devices (EOTs))	Regulation	Part 232, Subpart E	Regulations that impose significant costs upon private parties that are not outweighed by public benefits; Regulations that harm the national interest by significantly and unjustifiably impeding technological innovation; Regulations that impede private enterprise and entrepreneurship.	Modify	Makes no sense	Revise obsolete sections of the regulation to take advantage of modern technologies and incorporate EOT updates that have been allowed by waivers for many years.	No	Yes. Existing regulations are overly prescriptive and restrictive, and do not account for changes in technology.	Modifying the existing EOT regulations will reduce regulatory burdens by increasing operational flexibility and allowing railroads to take advantage of modern technologies.

Name/Issue	Administrative Action	Relevant Part, Subpart, or Section	EO 14219 Category	Action Requested	Reason	Description of Action Requested	Statutory Mandate Impaired	Will this modernize regulations? (If yes, how)	Impact on Regulatory Costs
Discontinuance or Material Modification of Signal System	Regulation	Part 235	Regulations that impose significant costs upon private parties that are not outweighed by public benefits; Regulations that harm the national interest by significantly and unjustifiably impeding technological innovation; Regulations that impede private enterprise and entrepreneurship.	Replace	Makes no sense	Amend the existing regulations to remove the FRA approval requirement and replace it with a notification-only requirement if the railroad has conducted a risk-based hazard analysis or, in the alternative, establish a regulatory time limit for approval to create greater timing certainty.	No	Yes. The requested change will incentivize the use of modern technology by increasing operational efficiency.	Modifying the existing regulations will reduce regulatory costs by increasing operational flexibility in a manner that is consistent with railroad safety.
Positive Train Control (Unplanned Outages)	Regulation	Part 236	Regulations that impose significant costs upon private parties that are not outweighed by public benefits; Regulations that impede private enterprise and entrepreneurship.	Modify	Ill-advised	Modify regulations to permit trains to operate under reasonable restrictions where the PTC system suffers an unplanned outage. FRA published an NPRM to permit such operations under the Biden Administration, but attached unreasonable conditions to the proposed amendments (e.g., requiring operations at restricted speed after 24 hours).	No	No	Modifying the existing regulations will reduce regulatory costs by increasing operational flexibility in a manner that is consistent with railroad safety.
Positive Train Control (Planned Outages)	Regulation	Part 236	Regulations that impose significant costs upon private parties that are not outweighed by public benefits; Regulations that impede private enterprise and entrepreneurship.	Modify	Ill-advised	Modify the regulation to establish a simple notification process allowing for predictable and efficient handling of planned outages used to install necessary updates and conduct maintenance of the PTC system.	No	No	Modifying the existing regulations will reduce regulatory costs by increasing operational flexibility in a manner that is consistent with railroad safety.
Signal Systems (Approach Signals)	Regulation	Part 236	Regulations that impose significant costs upon private parties that are not outweighed by public benefits.	Modify	Unnecessary	Modify regulations to exempt the requirement to install signal equipment (e.g., approach signals) on track segments equipped with a PTC system that does not rely on that equipment for train enforcement.	No	No	Modifying the existing regulations will reduce regulatory costs by eliminating an unnecessary requirement.

Name/Issue	Administrative Action	Relevant Part, Subpart, or Section	EO 14219 Category	Action Requested	Reason	Description of Action Requested	Statutory Mandate Impaired	Will this modernize regulations? (If yes, how)	Impact on Regulatory Costs
Training for Safety-Related Employees	Regulation	Part 243	Regulations that impede private enterprise and entrepreneurship.	Modify	Unnecessary	Eliminate FRA approval requirement for railroads with a compliant RRP Plan	No	No	Modifying the existing regulations will reduce opportunities for rent seeking by stakeholder groups.
Training, Qualification, and Oversight for Safety-Related Railroads Employees	Regulation	Part 243	Regulations that impede private enterprise and entrepreneurship.	Repeal	Unnecessary	Eliminate the regulation for training oversight, as the FRA already establishes operating standards and requires operational testing to ensure railroads meet those standards. Railroads should have the autonomy to develop and implement training according to their own operations, thereby ensuring compliance with established standards while maintaining operational efficiency.	No	No	The regulation imposes substantial regulatory costs for course approval and documentation.
Fatigue Risk Management Programs	Regulation	Part 270, Part 271	Regulations that impose significant costs upon private parties that are not outweighed by public benefits; Regulations that impede private enterprise and entrepreneurship.	Modify	Ill-advised	Revise the regulation, consistent with 49 USC 20156, to reduce administrative burdens and limit the ability for employees to abuse fatigue protections.	No	No	Modifying the existing regulation will reduce regulatory costs by increasing operational flexibility in a manner that is consistent with railroad safety.
Class I Train Length Reporting	Reporting Requirement	None	Regulations that impose significant costs upon private parties that are not outweighed by public benefits; Regulations that impede private enterprise and entrepreneurship.	Modify	Ill-advised	FRA should modify the collection of monthly data on Class I train length practices because the information collection is overly broad, resulting in the collection of data that does not necessarily relate to train length and does not help to identify the relative safety of trains based on length. Moreover, to fully provide all the information requested, Class I railroads would need to generate, at a significant cost, information that does not currently exist in a manner that allows for monthly reporting, and develop systems to generate, collect, and maintain that information.	No	No	Modifying the existing regulation will reduce regulatory costs by reducing a reporting burden in a manner that is consistent with railroad safety.

Name/Issue	Administrative Action	Relevant Part, Subpart, or Section	EO 14219 Category	Action Requested	Reason	Description of Action Requested	Statutory Mandate Impaired	Will this modernize regulations? (If yes, how)	Impact on Regulatory Costs
Environmental Policy & Grant Administration									
Historic Preservation			Regulations that impose significant costs upon private parties that are not outweighed by public benefits; Regulations that impede private enterprise and entrepreneurship.	Modify	Makes no sense	FRA should coordinate, consistent with Section 11504 of the FAST Act, with the Advisory Council on Historic Preservation to implement the congressionally mandated general exemption from the Section 106 consultation requirements for activities on railroad rights-of-way. Preclearance is not feasible for the general rail system that is approximately 140,000 miles.	No	Yes, by streamlining Section 106 review in accordance with the Congressional mandate.	Implementing this change will reduce regulatory costs by eliminating a significant consultation burden associated with notification on Section 106 in a manner that is consistent with railroad safety.
Use of Categorical Exclusions			Regulations that impose significant costs upon private parties that are not outweighed by public benefits.	Modify	Makes no Sense	Allow FRA to utilize another DOT modal agency's environmental review procedures and categorical exclusions. Precluding FRA from utilizing (or recognizing) another modal agency's environmental review provides no environmental or public benefits. Each modal agency's environmental review regulations implement the very same laws, and in each case, have been subject to rulemaking processes that have included opportunities for public review and comment.	No	Yes, by streamlining environmental reviews and eliminating antiquated regulations.	FRA's inability to utilize another modal agency's environmental review procedures or categorical exclusion has created a significant burden. Stakeholders are forced to satisfy multiple sets of environmental review obligations, which results in substantial delays, costs, and other inefficiencies.
Stakeholder Participation in EIS Development			Regulations that impose significant costs upon private parties that are not outweighed by public benefits.	Modify	Ill-advised	FRA should allow stakeholders to prepare Environmental Impact Statements (EISs). FRA's continues to operate under its "Procedures for Considering Environmental Impacts, which was published in 1999. While the procedures state that "[e]ach applicant for FRA financial assistance or other major FRA action may ... be requested to submit a proposed draft EIS ... in connection with the application" (Section 7, "Applicants"), there is nothing in FRA regulations, guidance or official policy that formalizes this participation. Without either regulations or written guidance or policies, stakeholder participation in even the technical	No	Yes. FRA's procedures are more than 25 years old and updates to the procedures will help to ensure a more streamlined process.	Allowing stakeholders to prepare EISs will help to streamline the process because stakeholders are often in the same position as FRA to serve as the project proponent and they are in a better position to provide the required documentation particularly when the purpose of the project is to improve railroad assets or infrastructure.

Name/Issue	Administrative Action	Relevant Part, Subpart, or Section	EO 14219 Category	Action Requested	Reason	Description of Action Requested	Statutory Mandate Impaired	Will this modernize regulations? (If yes, how)	Impact on Regulatory Costs
						aspects of the EIS process is left to the discretion of FRA, and FRA has not allowed stakeholders to undertake such a role in preparing EISs.			
EA/EIS Length			Regulations that impose significant costs upon private parties that are not outweighed by public benefits; Regulations that impede private enterprise and entrepreneurship.	Modify	Ill-advised	DOT should adopt regulations or guidance to set reasonable expectations for the length of EAs and EISs. Consistent with CEQ Guidance, DOT should make clear that EAs/EISs: (i) concentrate on relevant environmental analyses rather than produce an encyclopedia of all applicable information; (ii) focus on significant issues; (iii) discuss impacts in proportion to their significance; (iv) only include enough discussion to show why more study is not warranted for insignificant impacts; and (v) maximize incorporation by reference and integration of other environmental analyses.	No	Yes. This will help streamline NEPA documentation.	This change will reduce burdens associated with the NEPA process by streamlining the preparation and review of EAs and EISs.
Project Types Requiring EIS			Regulations that impose significant costs upon private parties that are not outweighed by public benefits; Regulations that impede private enterprise and entrepreneurship.	Modify	Ill-advised	DOT should enumerate the types of rail projects that are presumed to require EISs. Any remaining actions (other than those that qualify for a SEQRA categorical exclusion) are presumed not to require an EIS. By limiting this to a presumption, DOT could still require an EIS where circumstances warrant it.	No	Yes. This will help streamline NEPA documentation.	This change will reduce burdens associated with the NEPA process by streamlining the preparation and review of EAs and EISs.
Harmonize Modal Agency Flowdown Procedures			Regulations that impose significant costs upon private parties that are not outweighed by public benefits; Regulations that impede private enterprise and entrepreneurship.	Modify	Ill-advised	Streamline the process for when stakeholders work with multiple modes and/or state DOTs. It is common for railroads to work closely with state departments of transportation to plan and undertake infrastructure improvements that have common benefits, and FRA, FTA, FHWA funds are being used to fund the same or interrelated projects. Because the three modal agencies have different rules governing their	No	Yes. This will help streamline grant administration. procurement, warehousing, inventory control, and implementation.	This change will reduce burdens associated with the grant administration. Currently railroads must comply with FRA's procedures as well as the procedures of other modes. However, there are often conflicting rules between the modes resulting in railroads incurring significant costs and experiencing delays in terms of project planning to navigate the conflicts.

Name/Issue	Administrative Action	Relevant Part, Subpart, or Section	EO 14219 Category	Action Requested	Reason	Description of Action Requested	Statutory Mandate Impaired	Will this modernize regulations? (If yes, how)	Impact on Regulatory Costs
						funds, DOT should clarify which rules are applicable to stakeholders.			
Delays in Grant Administration			Regulations that impose significant costs upon private parties that are not outweighed by public benefits; Regulations that impede private enterprise and entrepreneurship.	Modify	Ill-advised	DOT should simplify and build flexibility into the award process to reduce delays in grant administration. Allow projects to begin when there is a reasonable agreement on the general need, purpose, and funding. Incorporate reasonable administrative requirements for requesting changes without being overly prescriptive. Scale the level of detail to the funding amount and program purpose. Require notification rather than formal approval for some modifications.	No	Yes. This will help streamline grant administration. procurement, warehousing, inventory control, and implementation.	This change will reduce burdens associated with the grant administration by cutting down on unnecessary paperwork and streamlining the decision-making process.