



Transportation Trades Department, AFL-CIO

September 2, 2025

Kyle D. Fields
Chief Counsel
Federal Railroad Administration
1200 New Jersey Avenue, SE
Washington, DC 20590

**RE: Regulatory Relief to Allow Speeds Up to 45 MPH for Non-Traversable Curbs
Docket No. FRA-2025-0120**

Mr. Fields:

On behalf of the Transportation Trades Department, AFL-CIO (TTD), I am pleased to respond to the Federal Railroad Administration's (FRA) notice of proposed rulemaking (NPRM) regarding the definition of a non-traversable curb. TTD consists of 39 affiliate unions representing workers in all modes of transportation, including rail workers who will be affected by this proposal.¹ We urge the FRA to take our comments into consideration. In addition, we strongly endorse the comments filed in this docket by our affiliate, the Brotherhood of Maintenance of Way Employees Division of the International Brotherhood of Teamsters (BMWED).

Background

This proposed rule would revise the definition of a non-traversable curb in the FRA's train horn regulation in conformance with five longstanding FRA Safety Board waivers that allow highway speeds up to 45 miles per hour (mph) where these highway curbs are present.

TTD supports the FRA's intent to align the definition of non-traversable curb with the revised guidance issued in 2018 by the American Association of State Highway and Transportation Officials (AASHTO), which raised the maximum allowable highway speed for vertical curbs from 40 miles per hour (mph) to 45 mph. We also recognize that this revision would codify five longstanding regulatory waivers. These waiver processes included a review of site-specific safety information, which allowed the FRA to evaluate whether the proposed configuration met the safety intent of 49 CFR Part 222.

¹ Attached is a complete list of the unions affiliated with TTD.

The waiver process also ensured a level of engineering scrutiny that the proposed definition now omits. As currently written, the proposed rule raises the speed threshold and sets a curb height requirement but makes no reference to the additional design elements that AASHTO considers essential for vertical curb safety at 45 mph, such as adequate sight distance, super-elevation and alignment compatibility, and drainage design. As the BMWED notes in its comments, these factors are fundamental in ensuring that curbs function as intended without introducing inadvertent hazards.

We encourage the FRA to consider the BMWED's recommendations and clarifications as it finalizes this rulemaking. The BMWED recommends that the FRA:

1. Explicitly reference AASHTO's Policy on Geometric Design of Highways and Streets (7th Edition, 2018), and
2. Clarify that the use of non-traversable curbs at speeds up to 45 mph should incorporate appropriate engineering controls consistent with AASHTO's guidance.

TTD agrees with the BMWED that these recommendations would make a reasonable and necessary adjustment that would balance regulatory efficiency with public and railroad safety. The FRA must ensure state and local agencies understand that speed alone does not govern safe curb design.

Conclusion

We acknowledge the FRA's effort to simplify existing regulations. We respectfully request that the Agency thoughtfully evaluate the recommendations proposed by our affiliate, the BMWED, with regard to modifying this proposed rule. We appreciate the opportunity to comment on this matter and look forward to working with the FRA in the future.

Sincerely,

A handwritten signature in black ink, appearing to read 'Greg Regan', with a stylized flourish at the end.

Greg Regan
President