

**DEPARTMENT OF TRANSPORTATION
PIPELINE AND HAZARDOUS MATERIALS
SAFETY ADMINISTRATION**

**DOCKET NO. PHMSA-2025-0095 (HM-268G)
HAZARDOUS MATERIALS:
IMPROVING EFFICIENCIES FOR SPECIAL PERMITS AND APPROVALS RENEWALS
NOTICE OF PROPOSED RULEMAKING**

**COMMENT SUBMITTED BY THE
ASSOCIATION OF AMERICAN RAILROADS AND
THE AMERICAN SHORT LINE AND REGIONAL RAILROAD ASSOCIATION**

The Association of American Railroads (AAR) and the American Short Line and Regional Railroad Association (ASLRRA) (jointly, the Associations), on behalf of themselves and their member railroads, submit the following comments in response to the Pipeline and Hazardous Materials Safety Administration's (PHMSA's) July 1, 2025, Notice of Proposed Rulemaking (NPRM) proposing to eliminate the requirement in paragraph (b) of 49 CFR § 107.109 for a special permit holder to file an application for renewal at least 60 days before the existing special permit expires to allow the permit holder to continue to use the special permit until PHMSA has taken final administrative action on the application for renewal.¹

Statement of Interest

AAR is a non-profit trade association whose membership includes freight railroads that operate 83% of the line-haul mileage, employ 95% of the workers, and account for 97% of the freight revenues of all railroads in the United States; and passenger railroads

¹ 90 Fed. Reg. 28524

that operate intercity passenger trains and provide commuter rail service. ASLRRA is a national trade association representing the interests of about 600 short line and regional railroad members in legislative and regulatory matters. Short lines operate 47,500 miles of track in the United States, or approximately 29% of the national freight network. The Associations and their members will be directly affected by the rulemaking because they participate in the special permit process, including for approvals and renewals.

Eliminating the 60-day requirement reduces burdens without impacting safety.

The Associations support this action because it will reduce burdens on carriers without impacting the safe transportation of hazardous materials by rail. The 60-day requirement does not serve a safety purpose; it just establishes an arbitrary filing deadline in advance of the expiration date. Eliminating the 60-day deadline would provide added regulatory certainty while allowing the existing safe practices to remain in place unchanged as PHMSA considers renewing the special permit.

The Associations note that they have filed similar comments in response to PHMSA's July 5, 2023, Advance Notice of Proposed Rulemaking (ANPRM) on Modernizing Regulations to Improve Safety and Efficiency (HM-265A),² and PHMSA's Mandatory Regulatory Reviews to Unleash American Energy and Improve Government Efficiency (HM-265B),³ and incorporate those comments by reference.

² <https://www.regulations.gov/comment/PHMSA-2019-0031-0054>.

³ <https://www.regulations.gov/comment/PHMSA-2025-0032-1835>.

**The NPRM is consistent with the deregulatory agenda of the
President and the Secretary of Transportation.**

Executive Order (E.O.) 14192, “Unleashing Prosperity Through Deregulation” states that it is the policy of the President “to significantly reduce the private expenditures required to comply with Federal regulations.”⁴ Consistent with that policy, E.O. 14219, “Ensuring Lawful Governance and Implementing the President’s ‘Department of Government Efficiency’ Deregulatory Initiative,” directs agencies to rescind 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,” and “regulations that impose undue burdens on small business and impede private enterprise and entrepreneurship.”⁵ On April 3, 2025, the Office of the Secretary published a Request for Information (RFI) in the Federal Register seeking information to “achieve[] meaningful burden reduction while continuing to meet statutory obligations and ensure the safety of the U.S. transportation system” as part of DOT’s efforts to implement the President’s deregulatory agenda.⁶ PHMSA’s NPRM is consistent with the deregulatory agenda because it increases regulatory flexibility in managing filing deadlines while also increasing regulatory certainty because parties seeking to renew special permits will not have their continued use of the special permit tied to an arbitrary 60-day deadline.

⁴ 90 Fed. Reg. 9065 (Jan. 31, 2025).

⁵ 90 Fed. Reg. 10583 (Feb. 19, 2025).

⁶ 90 Fed. Reg. 14593.

For these reasons, the Associations support the NPRM and recommend that PHMSA issue a final rule incorporating the proposed changes to §§ 107.109(b) and 107.705(c).

Respectfully submitted,



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