

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

**DOCKET NO. PHMSA-2025-0092 (HM-268D)
HAZARDOUS MATERIALS:
REDUCING UNDUE PAPERWORK BURDENS TO DOMESTIC CARRIERS
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 modify 49 CFR § 172.602 to provide an option to domestic carriers allowing them to maintain electronic copies of emergency response information (ERI) rather than requiring a hard copy printed on paper.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 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

¹ 90 Fed. Reg. 28563.

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' members will be directly affected by the rulemaking because they are carriers subject to the requirements of § 172.607.

Adding an electronic option modernizes the HMR without impacting safety.

The Associations support this action because it would modernize existing regulations to allow for ERI to be maintained and provided electronically or by paper, and does not require shipments to be accompanied by both. Given the rollout of the emergency response guidebook (ERG) app, it is unnecessarily duplicative to require ERI to be provided in a paper format when a carrier is using an electronic version to provide the same information.^{2,3} The proposal makes practical sense because a requirement to provide both paper and electronic information—as was done in PHMSA's Real-Time Train Consist Final Rule—increases the opportunity for human error and potentially hinders emergency response by creating a potential point of confusion.⁴

The railroads' experience with electronic shipping papers shows that allowing electronic alternatives does not negatively impact safety. Several railroads are currently operating under special permits, including all six Class I railroads, that allow them to use “electronic means to maintain and communicate on-board train consist and shipping

² <https://www.phmsa.dot.gov/hazmat/erg/erg2020-mobileapp>.

³ The Class I railroads have developed AskRail and made the app available to all emergency responders. AskRail contains real-time electronic consist information as well as a trove of other information to assist in emergency response, including links to the Emergency Response Guidebook (ERG).

⁴ Correspondingly, the Associations recommend that PHMSA ensure that ERI requirements are standardized across modes. This would increase safety by streamlining the process and increasing certainty for emergency responders who are responding to an incident.

paper information in lieu of paper documentation when hazardous materials are transported by rail.”⁵ These special permits allow ERI required under § 172.602 to be communicated electronically. In the preamble to the Real-Time Train Consist NPRM, PHMSA acknowledges that these special permits have been a success, noting in the preamble that it is “not aware of any negative impacts.” 88 Fed. Reg. 41541, 41545. Indeed, PHMSA even notes examples where the electronic consist information was shared with emergency responders to assist in the emergency response. PHMSA has also noted that the use of electronic shipping papers—

- Improves the availability and accuracy of hazard and response information for shipments and packages;
- Improves the speed by which information is available to emergency responders when accidents or incidents occur;
- Improves the security of imported containers through better knowledge of shipments; and
- Enables U.S. companies to compete more effectively in the global economy by using the best tools available.⁶

While PHMSA’s statements apply broadly to the use of electronic shipping papers, they also are reflective of the benefits associated with an electronic ERI option.

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),⁷ and PHMSA’s Mandatory

⁵ DOT–SP 20954 (issued to BNSF Railway Company); DOT–SP 21046 (issued to CSX Transportation); DOT–SPs 21053 and 21323 (issued to Canadian National Railway Company); DOT–SP 21059 (issued to Union Pacific Railroad Company); and DOT–SP 21110 (issued to Norfolk Southern Railroad).

⁶ <https://www.phmsa.dot.gov/hazmat/hm-access/faqs>.

⁷ <https://www.regulations.gov/comment/PHMSA-2019-0031-0054>.

Regulatory Reviews to Unleash American Energy and Improve Government Efficiency (HM-265B),⁸ and incorporate those comments by reference.

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.”⁹ 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.”¹⁰ 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.¹¹ PHMSA’s NPRM is consistent with the deregulatory agenda because it increases regulatory flexibility in by providing an electronic option in lieu of paper.

⁸ <https://www.regulations.gov/comment/PHMSA-2025-0032-1835>.

⁹ 90 Fed. Reg. 9065 (Jan. 31, 2025).

¹⁰ 90 Fed. Reg. 10583 (Feb. 19, 2025).

¹¹ 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 § 172.602.

Respectfully submitted,



Stephen N. Gordon
Associate General Counsel – Safety
Association of American Railroads
425 3rd Street, SW, Suite 1000
Washington, DC 20024



Sarah Yurasko
General Counsel
Association of American Railroads
50 F Street NW, Suite 500
Washington, DC 20001

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