

**DEPARTMENT OF TRANSPORTATION  
FEDERAL RAILROAD ADMINISTRATION**

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**DOCKET NO. FRA-2025-0119  
REGULATORY RELIEF FOR END OF CAR CUSHIONING UNITS  
NOTICE OF PROPOSED RULEMAKING**

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**COMMENTS OF  
THE ASSOCIATION OF AMERICAN RAILROADS AND  
THE AMERICAN SHORT LINE AND REGIONAL RAILROAD ASSOCIATION**

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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 support of the Federal Railroad Administration’s (FRA’s) July 1, 2025, Notice of Proposed Rulemaking (NPRM), which proposes to amend part 215 to allow a freight car to remain in service if the end-of-car cushioning unit (EOCC) is operative and equipped with a unit condition indicator (UCI) that indicates a non-discharged EOCC.<sup>1</sup>

**Statement of Interest**

AAR is a 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 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 members of

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<sup>1</sup> “Regulatory Relief for End of Car Cushioning Units,” Proposed Rule, 90 Fed. Reg. 28636 (July 1, 2025).

the Associations will be directly affected by the proposed changes in the NPRM because they must comply with the requirements of part 215, and proposed rule would incorporate a longstanding waiver that has proven to be in the public interest and consistent with railroad safety.

### **Introduction**

The Associations support codification of this longstanding waiver, which has been in effect since 2013. The existing waiver grants relief from the requirements of 49 CFR § 215.127(c)(1) for railcars equipped with end-of-car cushioning units with functioning UCIs.<sup>2</sup> The waiver permits a cushioning unit leaking clearly formed droplets to remain in service if the unit is equipped with a UCI that indicates that the cushioning unit is functioning. Recently, on July 25, 2025, FRA granted a renewal of AAR’s waiver petition extending the waiver period to July 25, 2030, based on a finding that the petition was in the public interest and consistent with railroad safety.<sup>3</sup> Given the real world experience demonstrated over the twelve years of the waiver, FRA correctly proposes to incorporate the waiver into the existing Freight Car Safety Standards Regulations.

### **UCIs are an important tool for making accurate assessments to assist railroads in conducting safe and efficient operations.**

UCIs operate as gage of sufficient gas pressure to monitor the condition of the railcar’s EOCC. The use of UCIs allows railroads to make more accurate determinations than relying on visual observations of “clearly formed droplets” when assessing if the EOCC is defective. Effective use of UCIs protects railroad employees from needless

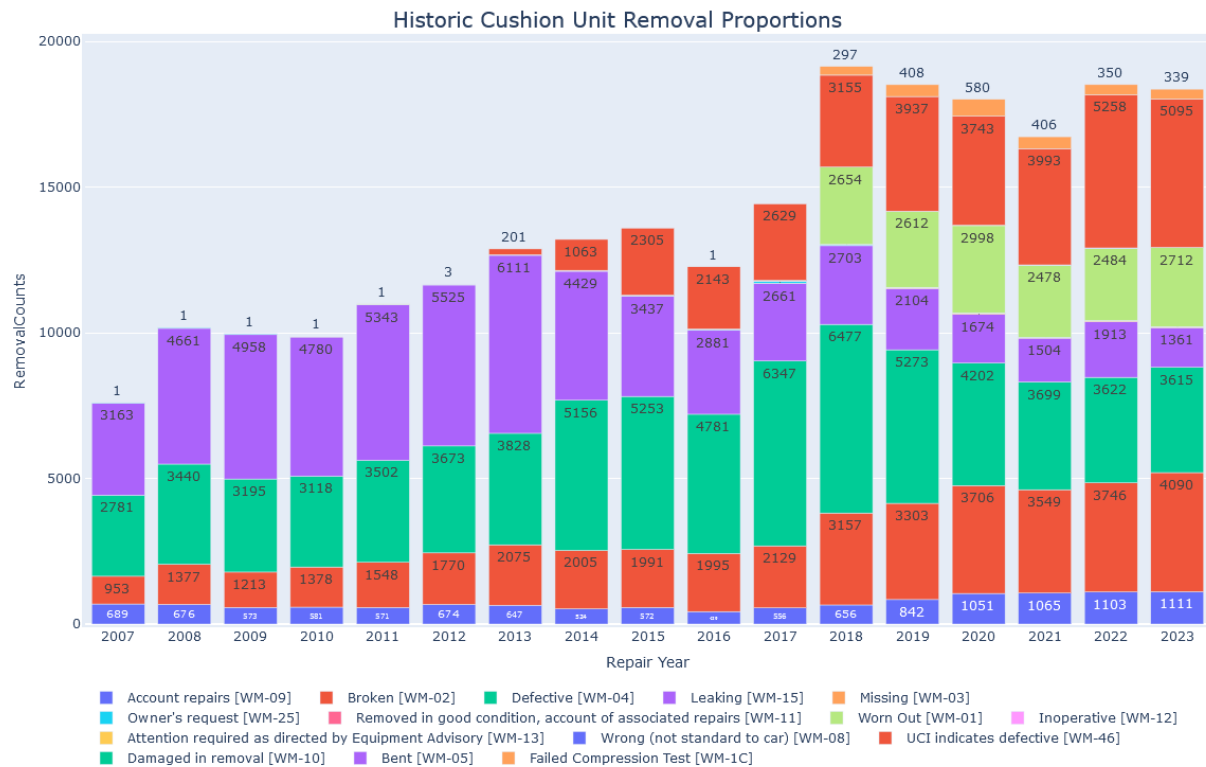
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<sup>2</sup> FRA-2013-0077-0004.

<sup>3</sup> FRA-2013-0077-0019.

exposure to switching hazards and hazards related to jacking freight cars and removing and replacing heavy cushion units because railroads are now able to leave fully functioning cushioning units in place. And, it has also allowed the industry to avoid unnecessary repairs solely attributable to part 215's droplet criteria on cars with UCIs.

As noted in the preamble to the NPRM, AAR member railroads have seen a significant decrease since 2013 in the number of cars that must be removed from service solely because the cushioning unit is leaking, while the number of cars removed from service because the UCI indicates the cushioning unit is defective have increased significantly (see graph below). As older units without UCIs age out of service, AAR expects that the number of cars removed from service because of a leak will fall even further.



**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.”<sup>4</sup> 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.”<sup>5</sup> 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.<sup>6</sup> AAR filed comments in response to the RFI noting that the current regulation disincentivizes the use of technology by focusing on antiquated methods for identifying defective cars and suggesting that FRA modify the regulatory requirement to incorporate UCIs.<sup>7</sup>

The proposed rule incorporates a much needed change into part 215 that will allow railroads to focus on repairing actual defective conditions. This benefits operational safety

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<sup>4</sup> 90 Fed. Reg. 9065 (Jan. 31, 2025).

<sup>5</sup> 90 Fed. Reg. 10583 (Feb. 19, 2025).

<sup>6</sup> 90 Fed. Reg. 14593.

<sup>7</sup> DOT-OST-2025-0026-0829.

and employee safety and improves operational efficiency. Moreover, it eliminates the requirement to periodically petition FRA for waivers to allow the use of UCIs that have proven successful. If finalized, the Associations will be relieved of the costs associated with submitting waiver petitions every five years. Similarly, FRA would be relieved of the administrative costs associated with assessing successive petitions seeking the same relief.

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For these reasons, the Associations support the NPRM and recommend that FRA issue a final rule incorporating the proposed changes to §§ 215.127 and 215.129.

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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