



U.S. Department
of Transportation

**Federal Railroad
Administration**

1200 New Jersey Avenue, SE
Washington, DC 20590

Disclaimer: This information is considered guidance pursuant to DOT Order 2100.6A (June 7, 2021). Except when referencing laws, regulations, policies, or orders, the information in this letter does not have the force and effect of law and is not meant to bind the public in any way. This document supplements the guidance issued on January 3, 2025, referenced below.

January 17, 2025

Mr. Chuck Baker
President
American Short Line and
Regional Railroad Association
(ASLRRRA)
50 F Street NW, Suite 500
Washington, DC 20001

Ms. KellyAnne Gallagher
Executive Director
The Commuter Rail Coalition (CRC)
P.O. Box 235
Alexandria, VA 22313

Mr. Ian Jefferies
President & Chief Executive Officer
Association of American Railroads
(AAR)
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Washington, DC 20024

Mr. Paul P. Skoutelas
President & Chief Executive Officer
American Public Transportation
Association (APTA)
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Dear Mr. Baker, Ms. Gallagher, Mr. Jefferies, and Mr. Skoutelas:

On January 6, 2025, the Federal Railroad Administration (FRA) sent each of your organizations a letter, dated January 3, 2025, reiterating guidance to industry on the processes for engagement with FRA and obtaining concurrence for the use of an alternative-fuel locomotive. Many of your organization members have communicated questions to FRA regarding this guidance. Below, we address several of the common questions as clarification to our January 3rd letter:

1. Existing Projects – 90 day Review Period: FRA’s January 3rd letter states: *“To avoid a situation where FRA finds that a railroad is using an alternative-fuel locomotive that is not in compliance with all applicable safety laws and regulations, FRA must have sufficient opportunity to review the submitted information prior to any operation using an alternative-fuel locomotive. Early engagement with FRA’s Office of Safety is highly recommended, but at a minimum, FRA requires 90 days to review submissions, noting that there may be the need for additional time post the 90-day review for FRA to review any requested additional information or responses to FRA questions.”*

Industry Question: Industry has noted that there are many projects currently underway, and the 90 day review period may delay these ongoing projects, impacting deadlines and potentially cost/funding.

FRA Response: FRA is aware of several ongoing projects and is currently working with several railroads and their integrators and contractors as part of the design and testing process, in preparation for revenue operation. However, there may be other projects currently underway. For these projects, FRA recommends that the railroads contact FRA as soon as possible to set up an initial meeting to communicate the project, project status and timing for use of an alternative-fuel locomotive. In these cases, FRA will work with the railroad to minimize any delays and prioritize review of material and/or test observations. The 90-day minimum review period applies to any new projects.

2. Application of the Same Technology by Different Railroads: FRA’s January 3rd letter recommends each railroad seek concurrence from FRA prior to the use of an alternative-fuel locomotive for a particular service as documented in the operating concept which describes the planned operating environment.¹

Industry Question: Industry has noted that there are several projects underway by different railroads that plan to use the same technology, and developing and submitting the same analyses by each railroad is not efficient.

FRA Response: FRA’s current regulations² include what has been termed by industry as the “me-too” concept where a railroad planning to introduce new signaling, train control and crossing technology already developed, tested, and approved by FRA may affirm that the application of the product, and the assumptions and calculations that form part of the safety analysis, including the hazard and risk assessment, are equally applicable. FRA believes that the ‘me-too’ concept may work well for cases where multiple railroads propose to use the same alternative-fuel technology, noting that aspects of the safety analysis may need to be updated if the operating concept and associated operating environment are not equivalent.³ FRA will work with the industry on a process for joint and/or ‘me-too’ concurrence requests, including the content necessary for a railroad to affirm that the alternative-fuel locomotive and the operating concept, including the assumptions and calculations that form part of the safety analysis, are equally applicable, and the process for revising the safety analysis, if necessary.

¹ FRA’s January 3, 2025, Letter to Industry Associations regarding alternative-fuel locomotive engagement and concurrence process, emailed on January 6, 2025, page 6 refers.

² 49 CFR Part 236 Subpart H “Standards for Development and Use of Processor-Based Signal and Train Control Systems.” allows for multiple railroads to jointly submit a Product Safety Plan, with each railroad affirming that the application for the product and assumptions used in the risk assessment are equally applicable to each railroad’s planned operations.

³ For example, operational risk depends upon where and how often the technology is used (e.g. local geography, operational intensity, details of fueling and maintenance operations, number of grade crossings and details of local highway traffic at these grade crossings, etc.). Hence, there may be instances when different risk and hazard analyses may need to be presented to FRA, by entities that may use the same technology.

3. Role of Suppliers, System Integrators and/or Contractors in the Concurrence Process: As noted above, FRA's January 3rd letter recommends each railroad to seek concurrence from FRA prior to the use of an alternative-fuel locomotive. FRA's letter is silent on the role of a supplier, system integrator and/or contractor in the development, testing, and concurrence process.

Industry Question: Industry has noted that many railroads rely on suppliers, system integrators and/or contractors throughout the development and testing of technology, and inclusion of these organizations in the concurrence process is essential to ensuring the technical accuracy of all analyses and responses to FRA.

FRA Response: FRA concur that suppliers, system integrators and contractors have a key role to play in the development of new and emerging technology. FRA actively engages with suppliers, system integrators, and contractors on technology development. FRA notes that a railroad may use a supplier, system integrator, and/or contractor to prepare the analyses and submissions to FRA, but the submissions should be made by the railroad and the railroad should affirm that the proposed operating concept and operating environment for the alternative-fuel locomotive is fully represented in the submissions to FRA, including the specific safety hazards and risks relating to the testing, operation, inspection, maintenance, fueling, and storage of a locomotive using an alternative fuel source.

Your members may have other questions or seek further insight into the topics above. Therefore, FRA will support in-person or virtual meetings with you and your members, as well as respond to written questions. Please direct any such questions to Matthew Brewer, Staff Director, Engineering and Technology Division, FRA Office of Railroad Safety, at matthew.brewer@dot.gov.

FRA looks forward to continuing to support efforts to use more efficient, less polluting, and domestically produced fuel, alternative fuels, and alternative power sources in rail operations.

Sincerely,



Karl Alexy
Associate Administrator for Railroad Safety
Chief Safety Officer