



U.S. Department  
of Transportation  
**Pipeline and Hazardous  
Materials Safety  
Administration**

1200 New Jersey Avenue, SE  
Washington, DC 20590

April 2, 2025

## **NOTICE OF TEMPORARY ENFORCEMENT DISCRETION FOR REAL-TIME TRAIN CONSIST INFORMATION**

The Pipeline and Hazardous Materials Safety Administration (PHMSA) and the Federal Railroad Administration (FRA) have been notified that Class I railroads anticipate significant challenges in their efforts to comply with the requirements and timelines of the HM-263 “*Hazardous Materials: Real-Time Train Consist Information*” final rule.<sup>1</sup> This final rule requires railroads that carry hazardous materials to generate, maintain, and provide, in electronic form, certain information regarding hazardous materials in rail transportation to first responders, emergency response officials, and law enforcement personnel to enhance emergency response and investigative efforts. The final rule requires compliance by June 24, 2025, for Class I railroads.<sup>2</sup>

The challenges described by Class I railroads include employee training, IT system updates, and installation of physical infrastructure along certain areas of their rail network to facilitate electronic real-time train consist information updates. In consideration of these issues, once a Class I railroad provides PHMSA notice that their individual railroad is utilizing this enforcement discretion in its operations, PHMSA and FRA will take no enforcement action against those particular Class I railroads related to the requirements adopted in the HM-263 final rule until June 24, 2026.

PHMSA strongly encourages Class I railroads to achieve full compliance with the final rule’s requirements before June 24, 2026, especially for those areas of the rail networks where earlier compliance is more feasible. Requests for further extensions are strongly discouraged and may not be granted.

Class I railroads that require the utilization of this enforcement discretion: (1) must provide PHMSA notice that their individual railroad is utilizing this enforcement discretion in its operations, and (2) the Class I railroads that are unable to comply with the requirements of the HM-263 final rule should maintain documentation explaining what specific requirements are not being met, the reasons why the specific requirements are not being met, and what alternative measures are being taken to ensure safety.

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<sup>1</sup> 89 FR 52956 (June 24, 2024); <https://www.govinfo.gov/content/pkg/FR-2024-06-24/pdf/2024-13474.pdf>.

<sup>2</sup> The Surface Transportation Board categorizes rail carriers into Class I, Class II, and Class III based on carrier's annual revenues. The threshold for Class I is a carrier earning revenue greater than approximately \$1 billion/year (2023); the threshold for Class II rail carriers is approximately \$46 million/year; and the threshold for Class III rail carriers is any value less than the threshold for Class II railroads. Class II and III railroads were granted a 2-year delayed compliance period, until June 24, 2026.

Furthermore, any such Class I railroad must notify PHMSA no later than two months prior to the expiration of the current enforcement discretion period if they have any reason to believe further extensions will be required.

This document is a temporary notice of enforcement discretion. Regulated entities may rely on this notice as a safeguard from Departmental enforcement as described herein. To the extent this notice includes guidance on how regulated entities may comply with existing regulations, it does not have the force and effect of law and is not meant to bind regulated entities in any way.

This Notice of Enforcement Discretion expires June 24, 2026.

A handwritten signature in blue ink that reads "William S. Schoonover". The signature is written in a cursive style with a long horizontal flourish at the end.

**William S. Schoonover**

Associate Administrator for Hazardous Materials Safety,  
Pipeline and Hazardous Materials Safety Administration