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- [Federal Register: PHMSA Final Rule - September, 25, 2018](#)

Related Documents

- [ECP Final Updated RIA December 2017](#)

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PHMSA Rescinds ECP Brake Mandate After RIA Finds Costs Outweigh Benefits

Monday, September 24, 2018

The U.S. Department of Transportation's Pipeline and Hazardous Materials Safety Administration (PHMSA) today finalized amendments to the Hazardous Materials Regulations which remove the requirement, while still allowing, for certain High Hazard Flammable Unit Trains (HHFUT) to operate using electronically controlled pneumatic (ECP) braking systems. The Department's action is based on a Congressional requirement to conduct an updated Regulatory Impact Analysis (RIA). The Department's analysis shows that the expected costs of requiring ECP brakes would be significantly higher than the expected benefits of the requirement. This regulatory change does not affect the ability of a railroad to implement ECP brakes.

The Fixing America's Surface Transportation (FAST) Act required further analysis of the ECP brake requirements, including physical testing, to improve general knowledge and understanding of how much more effective ECP brakes are in comparison to other brake systems. It also required DOT to determine whether the ECP brake requirements are justified based on the expected costs and benefits. The updated RIA incorporated new findings from ECP brake testing conducted by the Federal Railroad Administration, which were reviewed by the National Academy of Sciences. The updated RIA also incorporated recommendations from U.S. Government Accountability Office, and updated costs and benefits of the ECP brake provision based on current economic conditions. The updated RIA found that the expected costs of ECP brakes are significantly higher than the expected benefits, and therefore the FAST Act required DOT to repeal the ECP brake requirement.

For more details, the Department's Final Rule announcing its decision, along with the final updated RIA that responds to comments received, are available for review at <http://www.regulations.gov> in Docket Number PHMSA-2017-0102.

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