



Committee on Transportation and Infrastructure
U.S. House of Representatives
Washington, DC 20515

Sam Graves
Chair

Rick Larsen
Ranking Member

Nick Christensen, Staff Director

Katherine W. Dedrick, Democratic Staff Director

June 17, 2025

Honorable Sean Duffy
Secretary
Department of Transportation
1200 New Jersey Avenue, SE
Washington D.C. 20590

Re: FRA Docket # 2025-0059

Dear Secretary Duffy:

We write to express our concern with the Association of American Railroads' (AAR) request to drastically reduce the number of visual track safety inspections currently required of Class I railroads under Part 213.233, title 49 Code of Federal Regulations from twice a week, to twice a month. The request also proposes to allow railroads to address track defects up to 72 hours after finding any defects rather than immediately addressing them, as current regulation requires¹. We urge you to deny this waiver request in the interest of rail safety.

We support the use of technology to improve rail safety and sustain railroad jobs. We do not believe that fewer visual inspections or waiting three days to address known problems is in the public interest nor is it consistent with railroad safety, as safety waivers are required to be by law.

Following the Norfolk Southern derailment in East Palestine, Ohio on February 3, 2023, that devastated the surrounding community, Class I railroads committed to joining the FRA's Confidential Close Call Reporting System (C3RS). This system allows rail workers to report unsafe events and conditions. It has been over two years since this pledge, however, and only two out of the six Class I railroads have joined C3RS on a pilot basis that covers just a subset of their employees.

¹ <https://www.regulations.gov/document/FRA-2025-0059-0001> (last accessed May 27, 2025)

There has also been bipartisan support for improving rail safety.² Shortly after the derailment, rail safety legislation was endorsed by then President Biden, former President Trump, and Senator Vance. The FRA also committed to improving rail safety.³ Unfortunately, rail safety legislation has yet to be enacted.

The railroads have used Automated Track Inspection (ATI), including Track Geometry Measurement Systems (TGMS), since the 1970s. ATI is an effective measurement tool that can identify one type of track defect: anomalies in track geometry. ATI cannot look for the remaining 17 track defects that a human track inspector can identify, including broken rails, drainage issues, or washouts. There are no regulations that prevent railroads from continuing to use TGMS.

In September 2021, an Amtrak *Empire Builder* train derailed on BNSF-owned and maintained track in Joplin, Montana, that was caused by bad track conditions. That derailment killed three passengers and injured 49 other passenger and crew members. In its final report, the National Transportation Safety Board stated that “automated track inspections by geometry cars or railcar-attached devices provide detailed information on specific track parameters, but they do not capture the diverse array of unique track hazards detectable to human inspectors. They are intended to supplement an inspection program and should not be used to supplant an inspector physically examining a track.”⁴

We urge you to reject the AAR’s request, and we look forward to working with your Administration to raise the bar on rail safety. Thank you for your attention to this matter.

Sincerely,



Rick Larsen
Ranking Member
Committee on Transportation
and Infrastructure



Dina Titus
Ranking Member
Subcommittee on Railroads, Pipelines,
& Hazardous Materials

² See <https://democrats-transportation.house.gov/news/press-releases/ranking-members-larsen-wilson-and-tandi-democrats-call-for-action-on-rail-safety-following-release-of-ntsb-report-on-east-palestine-derailment> and <https://transportation.house.gov/news/documentsingle.aspx?DocumentID=407707>

³ <https://www.transportation.gov/examining-state-rail-safety-aftermath-derailment-east-palestine-ohio>

⁴ National Transportation Safety Board Final Report of September 25, 2021 Joplin, Montana BNSF Derailment. “Derailment of Amtrak Passenger Train 7 on BNSF Railway Track”. Published July 5, 2023. <https://www.ntsb.gov/investigations/AccidentReports/Reports/RIR2308.pdf>, page 35.