U.S. Department
of Transportation

**Federal Railroad
Administration**

1200 New Jersey Avenue, SE
Washington, DC 20590

VIA E-MAIL ONLY

December 5, 2025

Mr. Stephen N. Gordon
Associate General Counsel
Association of American Railroads
SGordon@aar.org

Re: Docket Number FRA-2025-0059

Dear Mr. Gordon:

This letter is in response to the April 24, 2025 request by the Association of American Railroads (AAR) to the Federal Railroad Administration (FRA) for a waiver of compliance from certain provisions of the Federal railroad safety regulations at Title 49 Code of Federal Regulations (CFR) Part 213.

Specifically, AAR requested a waiver regarding track inspection traversals (49 CFR § 213.233(b)(3)), and inspection frequency (49 CFR § 213.233(c)) for AAR member railroads. AAR proposed reducing the required minimum track inspection traversals from once every two weeks to once every month, and reducing the required minimum visual track inspection frequency from twice every week[1] to twice each month. To supplement visual inspections, AAR proposed requiring monthly track geometry measurement system (TGMS) inspections and performance metrics for TGMS defects and multiclass drop TGMS defects, with a proposed 72-hour remediation for TGMS defects and a 48-hour remediation for multiclass drop TGMS defects.

Partial substitution of visual track inspections with automated inspections has been a subject of discussion for years. In 2018, FRA took the first concrete step by approving Test Programs proposed by each of the Class I railroads to test different combinations of TGMS inspections with reduced visual inspections.[2] In FRA's 2023 report to Congress on automatic track inspection technologies, FRA stated that "Class I railroads have conducted test programs as an initial step in gathering data to evaluate whether increasing the use of automated track inspection technology under Federal regulations, specifically autonomous or unmanned

[1] Section 213.233 requires one weekly inspection on class 1, 2, and 3 track with no passenger service and less than 10 million gross tons (MGT) annually.

[2] *See*, *e.g.*, Docket Number FRA-2018-0091, *available at* www.regulations.gov.

technology that measures track geometry, and decreasing the frequency of visual inspections would improve railroad safety."[3]

In 2019, the Railroad Safety Advisory Committee (RSAC) was tasked with evaluating the feasibility of using automated track inspection technologies to fulfill certain inspection requirements (RSAC Task 19-05 Track Inspection). The assigned RSAC working group, the Track Standards Working Group (TSWG), met 11 times to review the results of the Test Programs with the goal of reaching a consensus to improve track inspections. Each of the five Test Programs tested slightly different inspection frequencies. While the Test Programs continued, in January 2021, FRA granted BNSF Railway (BNSF) a waiver (ATI waiver) to expand the scope of its Test Program to encompass more routes.[4] BNSF completed its Test Program and transitioned to the waiver on February 1, 2021. FRA denied a similar waiver request from Norfolk Southern (NS) in 2022[5] and has not issued a decision on NS's petition for reconsideration. FRA subsequently ended each of the remaining Test Programs. While railroads generally reduced or adjusted the visual inspection frequency during the Test Programs to some degree, several of the railroads never reduced visual inspections below the regulatory required frequency. In October 2023, FRA presented its analysis of the data from the Test Programs and BNSF's ATI waiver to the TSWG. FRA was able to conclude that the Test Programs demonstrated potential safety benefits from use of the Autonomous Track Geometry Measurement System (ATGMS), and that increased use of ATGMS and evaluation of railroad responses to test data and modifications to inspection activities would enable a more comprehensive assessment of these safety benefits.

After this meeting, the TSWG determined there was no path to reach a consensus and recommended closing RSAC Task 19-05 Track Inspection. The Task was officially closed in March 2024 without a consensus recommendation.

In addition to the Test Programs and BNSF's ATI waiver, until recently, three commuter railroads (New Jersey Transit (NJT), Southeastern Pennsylvania Transportation Authority (SEPTA), and Long Island Rail Road (LIRR)) operated under similar longstanding waivers that allowed a reduction in visual inspections to once per week supplemented with quarterly geometry car inspections. These longstanding waivers[6] have been handled separately because commuter railroads have significantly different equipment and operations than freight railroads. These waivers have been ongoing since 1974, 1999, and 2003, respectively, and all three waivers involve the use of staffed TGMS rather than the ATGMS favored by freight railroads. Both the NJT and SEPTA waivers expired in 2022 and FRA has not issued a decision letter to

[3] https://railroads.dot.gov/elibrary/report-congress-automated-track-inspection-technologies.

[4] https://www.regulations.gov/document/FRA-2020-0064-0011.

[5] https://www.regulations.gov/document/FRA-2021-0044-0008.

[6] NJT - Docket Number FRA-2003-15196, SEPTA - Docket Number FRA-1999-5102, and LIRR - Docket Number RST-74-1. Only LIRR continues to operate under waiver.

either railroad following their requests for renewal.[7] LIRR's waiver is ongoing and does not have an expiration date.[8]

On May 9, 2025, FRA published a notice of AAR's waiver request in the *Federal Register* and provided a 30-day public comment period.[9] During the comment period, the Brotherhood of Maintenance of Way Employes Division (BMWED) and the Transportation Trades Department, AFL-CIO (TTD) requested extensions. FRA granted a 30-day extension resulting in a public comment period of 60 days. FRA received 34 public comments.[10] The comments are summarized below.

The comments expressed general support for automated track inspection (ATI) technology, and commenters communicated different views on how increased use of this technology should impact the role of other methods of track inspection.

Commenters that supported the waiver request, including railroads and certain individuals and non-profit advocacy groups, touted the need to modernize FRA regulations to address new technology and reduce regulatory barriers consistent with recent executive orders. Railroads cited the success of Test Programs, and particularly the reductions in TGMS defects and multiclass drop TGMS defects; and noted that the waiver will promote predictive track inspection, encourage innovation, allow railroads to reallocate track inspectors to higher risk areas, and potentially reduce track inspector injuries.

Commenters that opposed the waiver request, including labor unions, elected officials, and certain individuals and associations representing railroad safety managers and railroad passengers, raised concerns about the safety impact of reduced visual inspections, limitations on the ability of ATI technology to identify track defects, and the proposed response period for addressing defects identified through automated inspections. The labor unions included

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[7] *See* https://www.regulations.gov/document/FRA-2003-15196-0012; https://www.regulations.gov/document/FRA-1999-5102-0026.

[8] *See* 41 FR 15360 (Apr. 12, 1976) at https://archives.federalregister.gov/issue_slice/1976/4/12/15359-15361.pdf#page=2.

[9] *See* 90 FR 19782 (May 9, 2025) at https://www.federalregister.gov/documents/2025/05/09/2025-08199/notice-of-petition-for-waiver-of-compliance and 90 FR 22156 (May 23, 2025) at https://www.federalregister.gov/documents/2025/05/23/2025-09282/petition-for-waiver-of-compliance-extension-of-comment-period.

[10] Comments were received from U.S. Senators Cantwell, Kim, Gallego, Markey, Fetterman, Baldwin, Blumenthal, Duckworth, Durbin, Rochester, Peters, and Gillibrand; U.S. Representatives Larsen and Titus; Information Technology and Innovation Foundation (ITIF); Alliance for Innovation and Infrastructure; Bradley Thorstad; Association of State Rail Safety Managers; Consuelo Hernandez; CSX Transportation, Inc.; Reason Foundation; Deborah Butler; SMART TD; Michael Singleton; American Train Dispatchers Association; BMWED/IBT; Brotherhood of Locomotive Engineers and Trainmen; U.S. Rail Operating Subsidiaries of Canadian National Railway Company; Brotherhood of Railroad Signalmen; Rail Passengers Association; TTD; BNSF Railway; Market Institute; National Association of Manufacturers; Advancing American Freedom; NJT; National Grain and Feed Association; Blake Johnson; Illinois Commerce Commission; Office of Kansas Governor, Laura Kelly; NS; Thomas Kirby; Austin Gae; Center for Transportation Advancement, a Project of the Parkview Institute; Indiana State Representative Errington; and Union Pacific Railroad Company.

statements from current railroad track inspectors and described the value of inspections performed by experienced inspectors, particularly with respect to inspection of switches and special track work; questioned the effectiveness of TGMS during Test Programs; and expressed concerns about the potential impact of the requested waiver on collaboration between track and signal system crafts.

The public comments contain a wide variety of opinions, factual statements, generalizations, and anecdotes. The two primary concerns raised by commenters were the proposed visual inspection frequency and the TGMS defect and multiclass drop TGMS defect remediation time. This letter addresses both concerns in the conditions section. While two of the commenters requested a public hearing, no additional input is necessary due to the extensive information provided during the comment period, and FRA declines to hold a formal public hearing.

In addition to the public comments, on August 1, 2025, AAR submitted a letter to FRA which FRA posted to the docket.[11] In the letter, AAR responded to some of the public comments. AAR reiterated its position that the proposed waiver would be "…in the public interest and consistent with railroad safety because it will result in earlier detection and remediation of track defects, reduce injury risk exposure by reducing the need for visual inspection, and improve operational efficiency." AAR included presentations made during RSAC working group meetings and described the ultimate measure of track safety as preventing derailments. On August 28, 2025, Senator Todd Young wrote to FRA Acting Administrator Feeley, encouraging FRA to grant AAR's waiver request.[12] On August 29, 2025, Representative Sam Graves, Chairman, Committee on Transportation and Infrastructure, U.S. House of Representatives, submitted a letter to FRA, expressing support for AAR's request.[13] BMWED wrote to FRA on August 29, 2025, responding to AAR's August 1 letter, reiterating BMWED's position objecting to the waiver, and including supplemental statements.[14]

FRA's Railroad Safety Board (Board) reviewed the petition, public comments received, and the results of FRA's investigation and analysis. The Board determined that partially granting AAR's request by modifying the conditions and expanding the scope to include more railroads will allow the demonstration of the effectiveness of expanded TGMS testing in conjunction with a uniform level of reduced visual inspection and is in the public interest and consistent with railroad safety.[15] Accordingly, the Board grants the waiver, subject to the following conditions:

1. Railroads must notify FRA at least 30 days in advance of the intended Waiver start date. The following information must be included in a notification of intent to start a TGMS Waiver:
    a. The railroad's proposed Waiver subdivisions (and any excluded segments);

[11] https://www.regulations.gov/document/FRA-2025-0059-0041.

[12] https://www.regulations.gov/document/FRA-2025-0059-0044.

[13] https://www.regulations.gov/document/FRA-2025-0059-0043.

[14] https://www.regulations.gov/document/FRA-2025-0059-0042.

[15] FRA intends this waiver to be available to all railroads (including commuter) that seek to explore the use of TGMS technology and reduced visual inspections.

b. Prior year tonnage on each subdivision;
c. Track charts and timetables for each subdivision;
d. Route and track miles of total mainline and siding tracks on each subdivision;
e. Proposed grouping of all subdivisions for purposes of calculating the safety metrics in Condition 9;
f. Technical information regarding the TGMS as listed below and confirmation of compliance with § 213.333(b);
g. All § 213.241 inspection records for each subdivision for the month immediately preceding this notification;
h. All TGMS inspection records for each subdivision for the month immediately preceding this notification;
i. Railroad's decision whether to collect additional data with the opt-in metrics from Condition 13; and
j. Any other information the railroad deems appropriate.

2. Prior to the Waiver start date, railroads must provide training to all track inspectors, first line supervisors, and any other affected employees working on the proposed Waiver subdivisions. This training must include the change in track inspection procedures and TGMS operations, verification requirements, and reporting. Training must be provided to employees who transfer onto Waiver subdivisions and when new subdivisions are incorporated.

3. The Waiver will take effect on the railroad's proposed start date. The subdivisions covered by the Waiver may not be changed during the one year from the proposed start date to ensure data consistency. To add or remove subdivisions, the railroad must notify FRA at least 30 days in advance of the end of the current one-year Waiver operating period and include all the information from Condition 1. The changes will take effect at the start of the next one-year operating period.

4. Upon request by FRA, railroads must provide all documentation and data covering any technical aspects of the operation and characteristics of its TGMS vehicles, inspection procedures, recordkeeping, maintenance records, and training.

5. TGMS used to comply with this Waiver shall be capable of measuring and processing the necessary track geometry parameters to determine compliance with 49 CFR Part 213, Subpart C, *Track Geometry*, and meet the requirements of 49 CFR § 213.333(b).

6. TGMS inspections must be performed at least monthly on all main track and sidings on the TGMS Waiver subdivisions as identified in Condition 1. Diverging routes and crossover tracks are not subject to this condition.

7. Visual inspections may be reduced from twice weekly to once weekly. Traversal requirements under § 213.233(b)(3) remain. However, the railroads may record and report situations when the traversal requirements caused an additional inspection in locations with more than two main tracks.

8. Railroads must protect all multiclass drop TGMS defects upon notification and must protect all TGMS defects within 24 hours of notification.
    a. All TGMS data must be reviewed and validated by an individual trained and qualified by the railroad;
    b. All TGMS exceptions are considered defects unless they are deemed erroneous by a qualified individual's review of the TGMS data (such as reviewing the strip chart to confirm gage spike at a frog);
    c. All TGMS defects must be field verified and applicable track measurements must be reported on the monthly defect report under Condition 10(c)(iv); and
    d. For purposes of Condition 8, a railroad receives notification when an individual trained and qualified by the railroad reviews and validates the TGMS data. The railroad must review and validate the TGMS data promptly and without unreasonable delay that might pose a heightened safety risk.

9. Railroads must maintain the following safety metrics on each group as defined by Condition 1(e):
    a. TGMS defect metric: TGMS defects must be maintained at or below 2.0 defects per 100 miles tested;
    b. Multiclass drop TGMS defect metric: Multiclass drop TGMS defects must be maintained at or below 0.1 defects per 100 miles tested; and
    c. After a TGMS inspection, both safety metrics must be calculated no later than the Saturday following the TGMS inspection.
    d. If a railroad fails to maintain either safety metric below the threshold, the railroad must revert to the visual inspection frequency required by 49 CFR § 213.233 starting the next inspection week and continuing until the metrics are brought within the required range.

10. Railroads must submit a monthly report for each group as defined by Condition 1(e), detailing Waiver compliance and implementation data. Monthly reports must be submitted to FRA within the first 5 days of the next month. These reports will be collated and published with FRA's analysis on the regulations.gov docket to ensure transparency and must include all information necessary to demonstrate compliance with the Waiver conditions. Monthly reports must include any additional data or information for FRA consideration. At a minimum, this monthly report for each group of subdivisions must include:
    a. Waiver Summary Report:
        i. TGMS miles tested;
        ii. TGMS defect metric;
        iii. Multiclass drop TGMS defect metric;
        iv. Metric demonstrating the amount of reduction in visual inspections compared to existing regulatory minimums; and
        v. List of all derailments, and cause analysis of any track caused derailments (must be included in subsequent monthly reports if investigation is not complete).
    b. Inspection Report:

i. Visual inspection data, including: date, start/end location, track number, and reason for the inspection (TGMS defect metric or multiclass drop TGMS defect metric required, regularly scheduled, inspector initiated extra, management initiated extra, special inspection weather, CWR heat or cold, Gap Inspection, etc.); and
ii. TGMS inspection data including: date, start and end location, track number, any other information to identify the system used, unique inspection sequence number, and status indicator for system during inspection (i.e., event log or other indicator that system was functioning properly during inspection or indicator of component malfunction).

c. Defect Report:
i. TGMS or visual;
ii. Subdivision, Track number, milepost, and GPS coordinates (if available);
iii. Posted class and limiting class (prior slow order);
iv. Type (defective conditions identified by CFR Part, Subpart, Section and defective condition description), max value, length, and field verification measurement; and
v. Remediation in accordance with Part 213, Subpart C.

d. Gap Report of missed TGMS or visual inspections:
i. Start and end milepost location of the missed segment;
ii. Subdivision, Track number;
iii. Notes describing any actions taken to mitigate risks associated with missed inspections; and
iv. Date of actual inspection.

11. Railroads must submit an annual report that shall include, in addition to an aggregated summary of the monthly report required information, an analysis comparing present track conditions to track conditions immediately before the start of the TGMS Waiver as well as a summary of all accidents that have occurred on each subdivision of the TGMS Waiver.

12. Railroads must notify FRA at FRAtracksafety@dot.gov within 24 hours of any derailment that occurs on any track segment that is part of this Waiver, regardless of monetary damage.

All railroads must comply with Waiver Conditions 1-12. In addition, railroads may elect to collect data on and demonstrate whether (1) TGMS results in earlier detection and remediation of track defects, (2) a reduction in inspector injuries resulting from reduced visual inspections, or (3) TGMS and reduced inspections improve operational efficiency, as described in AAR's waiver request. Collection of this information is subject to Conditions 13-14, and railroads must notify FRA of their intent to collect this additional data as part of Condition 1(h). Railroads that do not elect to collect these data are not required to comply with Conditions 13-14.

13. As a part of the Condition 1 notification, railroads must include the following proposed metrics. Railroads must include descriptions, any analysis, algorithms, or assumptions used in determining the metric:

a. If railroad opts in to demonstrate a potential safety benefit of earlier detection and remediation of track defects, a description of the proposed metric and data the railroad will submit monthly;
b. If railroad opts in to demonstrate potential improvement in operational efficiency, a description of the proposed metric and data the railroad will submit monthly; and
c. If a railroad opts in to demonstrate a potential reduction in injuries as a result of reduced visual inspections, a description of the proposed metric and data the railroad will submit monthly.

14. As a part of the Condition 10 monthly reports, railroads must include the following based on which metrics they elect to demonstrate:
    a. In the summary report:
        i. Opt in metric representing potential earlier detection and remediation of track defects;
        ii. Opt in metric representing potential reduction in injuries; and
        iii. Opt in metric representing potential improvement in operational efficiency.
    b. Opt in metrics of waiver benefits Report:
        i. Applicable data to support metric from Condition 14(a)(i), potential earlier detection and remediation of track defects, including any maintenance data;
        ii. Applicable data to support metric from Condition 14(a)(ii), potential reduction in injuries; and
        iii. Applicable data to support metric from Condition 14(a)(iii), potential improvement in operational efficiency.

Conditions 1 – 5 set the requirements for notifying FRA of a railroad's intent to utilize these waiver equipment standards for the TGMS vehicles each railroad will use, training requirements, and documentation. Condition 1 specifies the minimum requirements for a railroad's notification of participation in this waiver and, as discussed below, provides railroads the flexibility to demonstrate the potential benefits of this relief in numerous ways (i.e., derailment prevention, injury reduction, operational efficiency). However, this list is not exhaustive and FRA may request additional information from railroads, and railroads must provide any responsive information to FRA in a timely manner. In addition, all information and reports must be provided in their native format or a digital format that can easily be accessed and searched such as Microsoft Excel. Conditions 6 – 9 set the operational requirements for TGMS and visual inspections, as well as timelines for field verification and remediation. Conditions 10 – 12 set the documentation and reporting requirements. Successful implementation of the relief requires railroads to analyze and adjust operations based on the data and the monthly reports. Railroads may conduct visual inspections more frequently than once per week, but the monthly reports must accurately reflect the frequency. FRA may conduct compliance inspections and analyze the railroads' data and monthly reports to ensure that the conditions are being met, and that the railroads' visual inspections and records accurately reflect track conditions.

The most important potential safety benefit resulting from this waiver is the prevention of track caused derailments. Accordingly, railroads are required to maintain TGMS defects at or below 2.0 defects per 100 miles of TGMS testing and multiclass drop TGMS defects at or below 0.1 defects per 100 miles of TGMS testing. See Conditions 9 and 10(a)(ii) and (a)(iii). These metrics have been modified from AAR's proposal and are consistent with the safety metrics in BNSF's ATI waiver. In addition, AAR's proposal of allowing the TGMS metrics to go unmet for two consecutive months before reverting to regulatory visual inspection frequencies does not adequately counter the derailment risk posed by TGMS defects and multiclass TGMS defects. If either metric rises above the thresholds, that is an indication that track conditions are not being properly maintained and the railroad must revert to the visual inspection requirements of the regulation until the metrics are met again. Condition 9(c) requires railroads to calculate both safety metrics weekly after a TGMS inspection or no later than Saturday. If both metrics are met, the railroad may use the waiver relief for the next inspection week starting on Sunday. This process will ensure railroads can maintain compliance with the required visual inspection frequency.

For compliance, FRA will review the monthly report metrics, which average all TGMS testing for the month, and may request to see additional documentation or calculations. See Condition 10. FRA encourages railroads to act proactively in slow ordering geometry or other track conditions to mitigate risk and achieve the required metrics of the waiver. However, railroads must not artificially manipulate the TGMS data by, for instance, placing a blanket slow order ahead of a TGMS inspection to reduce the defect metric, then removing it after the run without doing any maintenance work. This would demonstrate attempted data manipulation. While not a monthly reporting requirement of the waiver, railroads must be able to produce a record, if requested, of maintenance work to remediate a defect or remove a slow order.

To calculate the TGMS defect and multiclass drop TGMS defect metrics, only gage, profile, alignment, crosslevel, warp, and Vmax (limit speed) should be included. A TGMS defect is defined as a geometry condition that requires a one or more class drop in speed to bring the condition into compliance with the Track Safety Standards (TSS). A multiclass drop TGMS defect is defined as a geometry condition that requires a two or more class drop to bring the condition into compliance with the TSS. All narrow gage defects will be considered a TGMS defect but not a multiclass TGMS defect, and in a single curve, multiple Vmax defects may count as one defect. As mentioned above, applying slow orders proactively, before the condition is identified by the TGMS, is encouraged, but those slow orders must not be removed until the condition has been repaired. Per Condition 1(e), railroads will propose how to group subdivisions for purposes of calculating the defect metrics. For example, a smaller railroad could group all five of its waiver subdivisions together. If the defect metrics are not met, the waiver relief would not apply to any of those grouped subdivisions until the metrics can be brought back into compliance. Alternatively, a larger railroad, for example, could group its 20 or more subdivisions into five groups and report each group separately. If the defect metrics are not met on one group, the railroad may continue to operate with the waiver relief on the other four. Railroads should consider operational similarities, routes, tonnage, and traffic mix when determining how to segment subdivisions into reporting groups. Reporting Groups may only be modified annually.

Condition 7 modifies AAR's proposed visual inspection frequency and allows once a week visual inspection and no changes from the regulatory required traversal requirements. This frequency was the most common of the Test Programs and should be demonstrated widely before further reductions are considered. FRA will evaluate the results of the Waiver after the first year to determine whether further reduction in visual inspections is appropriate. Due to the visual inspection frequency modification, the relief that AAR sought for § 213.233(b)(3) is not being granted. Railroads may document when this requirement causes an extra inspection. While the primary benefit of increased TGMS testing is derailment prevention, the safety effect of reducing visual inspections is also relevant. Railroads must select and report a metric that quantifies the reduction of visual inspections compared to the existing regulatory minimum and report that metric in the monthly report under Condition 10(a)(iv). For example, railroads could calculate that they are doing on average 1.2 visual inspections per week compared to the normally required 2 inspections or calculate a percentage decrease from the regulatory required minimum. If a railroad does not reduce visual inspections, the data cannot be used to show that visual inspections can be reduced without negatively impacting safety. When practicable, railroads must document the reason for visual inspections in Condition 10(b)(i) so that the data can be filtered for analysis. For example, if railroads document hot weather inspections, those can be removed from the frequency calculation, but if they are not documented, they cannot definitively be excluded. AAR's proposed visual inspection and traversal frequency was the most common concern raised by the public, and FRA's modifications and other conditions mitigate that concern.

The other common concern was the proposed remediation timeline for TGMS and Multiclass TGMS defects. Condition 8 modifies AAR's proposal and brings the condition in line with BNSF's ATI waiver. FRA has not seen any issues with BNSF meeting these timelines and has not been presented with a justification to lengthen these timelines. Condition 11 requires the railroad to report all derailments on the waiver subdivisions to FRA, so that they may be investigated to determine the root cause.

AAR's petition states, "[t]he waiver is in the public interest and consistent with railroad safety because it will result in earlier detection and remediation of track defects, reduce visual inspections that are a potential source of injury, and improve operational efficiency." FRA needs data to confirm these specific conclusions, and the waiver will provide an opportunity for railroads to demonstrate each of these benefits. Railroads that opt in to demonstrate these benefits must propose quantifiable metrics and report them on the monthly reports. Railroads that cannot collect these data or do not opt in can still utilize the waiver relief for the primary benefit of derailment prevention. Those railroads do not need to comply with Conditions 13 and 14. If railroads wish to utilize additional technology to demonstrate benefits of the waiver, such as ground penetrating radar, vision system data, tie grading data, rail cant, base gage, or railroad specific TGMS defects, the notification in Condition 1 must include a description, and a metric if applicable, and be submitted to FRA monthly as part of the report.

To collect data and demonstrate the potential earlier detection and remediation of track defects, railroads must propose and define a metric to quantify the benefit and submit the procedure in the Condition 1 notification. Railroads will submit these data monthly pursuant to Condition 14. FRA will review the railroad's metric and the data produced and determine if the proposed

metric is acceptable. If the metric is not acceptable, the waiver can continue, but data from that railroad's waiver cannot be used to support the alleged benefit of "earlier detection and remediation of track defects."

To collect data on and demonstrate a potential reduction in injuries due to visual inspections, railroads must propose and define a metric to quantify this potential benefit and submit the procedure in Condition 13 and in the monthly report under Condition 14. The metric must show the relationship between visual inspections and injuries. For example, a decrease in train crew injury rates on a waiver subdivision would not demonstrate that reducing inspections reduces track inspector injuries. If railroads are unable to connect the reduction in visual inspections to a reduction in injury rates, it would not be considered a benefit of the waiver.

To collect data on and demonstrate a potential improvement in operational efficiency, railroads must propose and define a metric to measure such improvement as well as define the benefit to operational efficiency. This metric must be proposed under Condition 13 and reported in the monthly report under Condition 14. The metric related to reduced visual inspections can also be relevant to operational efficiency, but that can only be part of the operational efficiency metric. For example, other relevant information could be the total maintenance-of-way track time each month.

These conditions will allow FRA to collect and analyze data to evaluate AAR's assertions, determine the effect of geographical and operational differences, and determine a path forward to increase technology utilization for all railroads, if appropriate. FRA may operate Automated Track Inspection Program (ATIP) vehicles on waiver subdivisions and compare the data with the railroad's TGMS data. ATIP surveys do not count towards meeting the TGMS inspection frequency.

This waiver expires 5 years from the date of this letter. At the conclusion of this period, FRA reserves the right to extend the waiver if the Petitioner has made a written request for an extension at least 6 months prior to the expiration date, and if FRA determines that conditions warrant an extension. Any request for extension must (1) demonstrate the Petitioner's compliance with the above-identified Conditions; (2) comply with the requirements of § 211.7, *Filing requirements*, and § 211.9, *Content of rulemaking and waiver petitions*; and (3) be submitted via e-mail to FRAWaivers@dot.gov.

FRA reserves the right to modify or rescind this waiver upon receipt of information pertaining to the safety of railroad operations or in the event of noncompliance with any condition of this waiver. FRA may pause this waiver for a railroad regardless of compliance with the conditions until safety concerns are addressed, such as track caused derailments, if the TGMS is inadequate, or if there are significant discrepancies between the inspection reports of FRA inspectors and railroad inspectors. Further, FRA reserves the right to take enforcement action under 49 U.S.C. § 20111 for noncompliance with any condition of this letter or applicable Federal regulations.

In any future correspondence regarding this waiver, please refer to Docket Number FRA-2025-0059. If you have any questions, please contact Dr. Yu-jiang Zhang, Staff Director, Track and Structures Division, at Yujiang.Zhang@dot.gov.

Sincerely,

JOHN KARL ALEXY Digitally signed by JOHN KARL ALEXY
Date: 2025.12.05 10:44:31 -05'00'

Karl Alexy
Associate Administrator for Railroad Safety
Chief Safety Officer