

# United States Senate

WASHINGTON, DC 20510

July 10, 2025

Mr. Drew Feeley  
Deputy Administrator  
Federal Railroad Administration  
1200 New Jersey Avenue, SE  
Washington D.C. 20590

Dear Mr. Feeley:

We write to express our concerns with a proposal from the Association of American Railroads to reduce track inspections and lessen requirements to repair track safety defects. The Biden Administration made rail safety a priority, and last year the freight railroad derailment rate decreased by 18 percent, the greatest reduction in the derailment rate in 40 years. We look forward to working with you to continue this downward trend.

We are supportive of the deployment of advanced safety technologies; but the Federal Railroad Administration should take care not to allow railroads to become overly reliant on technology. AAR on behalf of the Class I railroads, is seeking a waiver to loosen track safety inspection and repair requirements in exchange for deploying automated track inspection (ATI) technology. We know automated track inspection technology works; it has been around since the 1970s. Last year, the Biden Administration proposed requiring railroads to use this important safety technology. However, we are concerned that the exemptions from safety requirements the railroads are seeking could increase risks.

The waiver requests a decrease in the visual track inspections that railroads are required to conduct, from twice a week to twice a month.<sup>1</sup> While automated track inspection technology is more effective at identifying track geometry defects, there are other safety issues that visual inspections may identify that automated track inspections may not. In fact, track inspectors are trained to look for 17 other kinds of track safety issues, other than track geometry issues, that could cause derailments, including broken rail ties, missing track spikes, and obstructions in the right of way that a train could hit. The waiver does not explain how reducing railroads' obligation to check for the track issues that ATI technology cannot detect by up to 75 percent will reduce derailments.

Additionally, the waiver requests railroads that use ATI machines be allowed to take up to 72 hours to address a track safety defect once it is identified. Currently, if a human inspector finds a track defect, the track must be fixed immediately, or other remedial action must be taken, such as slowing the speed of trains on the track. If approved, this waiver would allow passenger trains and trains carrying crude oil, vinyl chloride, benzene, and other hazardous materials to travel over track with a known safety issue for up to three days. The waiver does not explain how slowing remediation response times for track safety defects will improve safety.

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

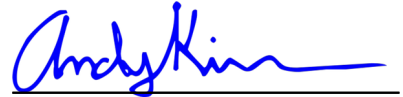
The National Transportation Safety Board has also expressed concerns with over relying on this technology. In its investigation of a September 2021 Amtrak Empire Train derailment on BNSF track in Joplin, Montana, the independent investigators at the National Transportation Safety Board stated that automated track inspections “do not capture the diverse array of unique track hazards detectable to human inspectors.” The report went further and said they “should not be used to supplant an inspector physically examining a track.”<sup>2</sup> We are concerned that the AAR’s proposal would do just that, reducing the inspections for all track safety issues that are currently inspected by humans in exchange for potentially improving the inspection of track geometry issues.

For these reasons, we request that you deny the Association of American Railroads’ request to waive track safety requirements and rather finalize the Biden Administration’s proposal to require railroads to use automated track inspection technology.

Sincerely,



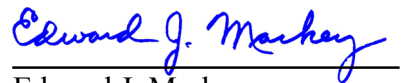
Maria Cantwell  
United States Senator



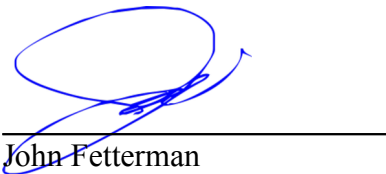
Andy Kim  
United States Senator



Ruben Gallego  
United States Senator



Edward J. Markey  
United States Senator



John Fetterman  
United States Senator



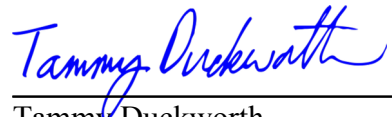
Tammy Baldwin  
United States Senator

<sup>2</sup> National Transportation Safety Board, *Derailment of Amtrak Passenger Train 7 on BNSF Railway Track (Railroad Investigation Report RIR 23-08)*, July 5, 2023  
<https://www.nts.gov/investigations/AccidentReports/Reports/RIR2308.pdf>



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Richard Blumenthal  
United States Senator



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Tammy Duckworth  
United States Senator



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Richard J. Durbin  
United States Senator



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Lisa Blunt Rochester  
United States Senator



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Gary C. Peters  
United States Senator



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Kirsten Gillibrand  
United States Senator