

September 2, 2025

Kyle D. Fields  
Chief Counsel  
Federal Railroad Administration  
1200 New Jersey Avenue, SE  
Washington, DC 20590

**RE: Administrative Updates to the Federal Railroad Administration's State Safety Participation Regulations**  
**Docket No. FRA-2025-0080**

Mr. Fields:

On behalf of the Transportation Trades Department, AFL-CIO (TTD), I am pleased to respond to the Federal Railroad Administration's (FRA) final rule regarding administrative updates to its state safety participation regulations. TTD consists of 39 affiliate unions representing workers in all modes of transportation, including rail workers who will be affected by this rule.<sup>1</sup> We strongly oppose the updates promulgated by this final rule as they go beyond the scope of the good cause exception permitted by the Administrative Procedure Act (APA). We therefore request that the FRA immediately repeal this final rule. In addition, we endorse the comments filed in this docket by our affiliates, the Brotherhood of Locomotive Engineers and Trainmen (BLET).

On July 1, 2025, the FRA published a final rule in this docket without abiding by the standard APA-defined process of notice and comment required for substantive rulemakings. The agency has claimed an exception under the APA, specifically 5 U.S.C. 553(b)(A) and 5 U.S.C. 553(b)(B), stating that "...this final rule merely makes miscellaneous, administrative updates to the CFR, such as updating web addresses, it would not benefit from public comment, and notice and comment is not necessary."

TTD objects to this interpretation and hereby petitions for repeal of this rule under 5 U.S.C. 553(e).

**MP&E Inspectors**

The FRA at various points in its published final rule removes references to specific types of inspectors in favor of utilizing the term "Motive Power and Equipment (MP&E) Inspectors." However, no definition of an "MP&E Inspector" currently exists in the FRA's regulations. This

---

<sup>1</sup> Attached is a complete list of the unions affiliated with TTD.

change is not merely minor and ministerial, rather it introduces ambiguity given that the term “MP&E Inspector” is not formally defined in the regulations

Regulations exist for a reason, and stakeholders and the public must be permitted to fully assess the costs of repealing or modifying the regulations that were put in place to protect their communities. Workers in particular, many of whom have direct experience with the tragedies that have precipitated so many of the FRA’s safety regulations, must be allowed to examine and subsequently provide meaningful comments in response to proposals to modify these essential rules.

If the FRA intends to streamline the State Safety Participation Regulation as it claims, it must rescind this final rule and republish a proposed rule aimed at amending the existing regulation to define “MP&E Inspector” in order to reduce uncertainty and clearly delineate the functions of this role. The FRA should clearly establish the duties, responsibilities, and training requirements for this position. Furthermore, the FRA should require that Qualified Mechanical Inspectors (QMIs) are the sole craft tasked with performing railcar and brake inspections.

We appreciate the FRA taking these comments into consideration and look forward to working with the agency in the future.

Sincerely,

A handwritten signature in blue ink, appearing to read "Greg Regan", enclosed within a circular stamp or seal.

Greg Regan  
President