

December 19, 2025

John Karl Alexy  
Associate Administrator for Railroad Safety, Chief Safety Officer  
Federal Railroad Administration  
1200 New Jersey Avenue, SE  
Washington, DC 20590

**RE: Notice of Petition for Waiver of Compliance; Track Inspection Requirements  
Docket No. FRA-2020-0064**

Mr. Alexy:

On behalf of the Transportation Trades Department, AFL-CIO (TTD), I am pleased to respond to the Federal Railroad Administration's (FRA) notice regarding Burlington Northern Santa Fe's (BNSF) petition for an extension of an existing waiver of certain track inspection requirements. Specifically, BNSF requests extended relief from § 213.233(b) and (c), *Visual track inspections*, which specifies the method and frequency for visual track inspections. BNSF seeks to continue using a combination of track geometry measurement system (TGMS) and visual track inspection methods on three territories: the Powder River Division, the Southern Transcon corridor, and the Northern Transcon corridor. TTD consists of 40 affiliated unions representing the totality of rail labor, including the track inspectors and other rail workers that would be directly impacted by the extension of this waiver.<sup>1</sup> In addition to our own comments, TTD strongly endorses the comments of our affiliates, the Brotherhood of Maintenance of Way Employees Division (BMWED), the Transportation Division of the International Association of Sheet Metal, Air, Rail, and Transportation Workers (SMART-TD), and the Brotherhood of Locomotive Engineers and Trainmen (BLET). For the reasons outlined below, we respectfully request that the FRA deny BNSF's request for extension.

On December 5, 2025, the FRA granted, in part, a waiver request from the Association of American Railroads (AAR) that will allow participating railroads to expand TGMS testing in conjunction with a uniform level of reduced visual inspection.<sup>2</sup> The granting of this waiver has effectively established a nationwide TGMS testing program. FRA has stated its intention that this waiver be available to all railroads, including commuters, that seek to explore the use of TGMS technology and reduced visual inspections. Given this expanded scope, and FRA's argument that

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

<sup>2</sup> <https://www.regulations.gov/document/FRA-2025-0059-0045>

the granting of this waiver will “allow the demonstration of the effectiveness of expanded TGMS testing,” continuing a separate carrier-specific waiver would undermine the consistency established by the new national framework.

TTD strongly agrees with the BMWED that reductions in visual track inspections are not in the public interest, nor consistent with railroad safety. However, if the FRA retains any portion of ATI-related relief, it should occur only within the national framework, not under carrier-specific exemptions. The national TGMS waiver contains stronger transparency, reporting, and inspection-restoration triggers than BNSF’s existing waiver. In our view, the national TGMS waiver conditions now reflect the minimum level of transparency and defect-control reporting required for automated inspection programs. If BNSF chooses to continue to utilize ATI technology in conjunction with reduced visual inspections, the railroad can and should avail itself of the new national waiver.

The FRA’s conditions imposed upon the AAR’s waiver include comprehensive monthly reporting requirements, transparent defect resolution, auditable verification timelines, and public availability of performance data, among others. The BNSF ATI waiver fundamentally lacks these transparency requirements. It is impossible for the public to meaningfully evaluate the safety case for BNSF’s existing waiver when little to no performance data is available for public review. In an effort to obtain such data, the BMWED submitted a FOIA request seeking these records across all ATI pilot territories on BNSF. The FRA has not produced the underlying documents necessary to evaluate the performance of the existing program.

As the BMWED notes in its comments on this docket, “safety depends on comprehensive inspection programs that recognize the limits of automation and preserve the irreplaceable role of trained human inspectors and consistency across the national rail network.” A single nationwide waiver now exists, and the FRA should deny BNSF’s request to continue operating under a legacy waiver that reduces human presence and provides less transparency than the national model.

In conclusion, we again respectfully request that the FRA deny BNSF’s request for extension. We appreciate the opportunity to comment on this docket and look forward to working with the FRA in the future.

Sincerely,

A handwritten signature in black ink, appearing to read "G. Regan", enclosed in a circular stamp or seal.

Greg Regan  
President