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COMMENTS OF ITIF

Before the

Federal Railroad Administration

Department of Transportation

Washington, D.C.

In the Matter of:	)	
Association of American Railroads (AAR) petition for relief from certain regulations concerning track inspections.	)	Docket No. FRA-2025-0059

May 25, 2025

The Information Technology and Innovation Foundation (ITIF), a nonprofit, nonpartisan think tank focused on advancing technological innovation and public policy, writes in strong support of the Association of American Railroads' (AAR) petition for waiver from 49 CFR § 213.233(b) and (c). We urge the Federal Railroad Administration (FRA) to approve this request and take steps to modernize outdated inspection requirements in line with demonstrated, data-driven advancements in safety and operational efficiency.

Railroads face growing challenges in maintaining safety while keeping costs down and supply chains running smoothly. Automated and autonomous track geometry measurement systems (TGMS), including locomotive-mounted sensors that continuously collect real-time data on rail conditions, represent a clear advancement in rail safety. These systems can detect defects earlier, support preventative maintenance, and improve inspection coverage far beyond what is feasible through periodic manual inspections alone.[1]

Indeed, pilot programs conducted by Norfolk Southern and other carriers—some with FRA approval—have already demonstrated the safety and reliability of TGMS. As part of its pilot, Norfolk Southern operated under reduced visual inspection frequencies with no measurable degradation in safety outcomes. Further, non-AAR member railroads like NJ Transit, SEPTA, and LIRR have received waivers to use TGMS, creating a regulatory inconsistency that this petition seeks to resolve.

Opponents of modernization often cite "uncertainty" or the potential loss of manual inspections as a justification for regulatory inertia. But technology-based inspection programs are not a departure from safety—they are a leap forward. FRA's role should be to set clear performance-based safety standards and then allow carriers the flexibility to meet those standards using proven, innovative methods. Maintaining outdated mandates simply because technology changes the roles of workers is not a sound basis for denying progress.

Finally, allowing AAR members to build on successful TGMS programs and submit data back to FRA will improve regulatory oversight in the long term. Rather than rely on infrequent human observation, FRA would benefit from continuous, geolocated, objective data from across the national rail network—ultimately helping inform better regulations, improve safety outcomes, and reduce costs across the rail system.

We respectfully urge FRA to approve the requested relief and to initiate broader regulatory modernization that embraces autonomous safety technologies.

Thank you for your consideration.

Daniel Castro
Vice President
Information Technology and Innovation Foundation

[1] Daniel Castro, "U.S. Should Stop Delaying Deployment of Autonomous Track Inspection," Information Technology and Innovation Foundation, April 4, 2022, https://itif.org/publications/2022/04/04/us-should-stop-delaying-deployment-autonomous-track-inspection/.