



BEFORE THE U.S. DEPARTMENT OF TRANSPORTATION

---

Federal Railroad Administration

Docket No. FRA-2025-0059

Association of American Railroads TGMS Waiver Petition

---

July 9, 2025

These comments are submitted on behalf of the Transportation Division of the International Association of Sheet Metal, Air, Rail and Transportation Workers (SMART-TD), an organization representing approximately 100,000 transportation employees, with active rail members working in all operating crafts, including engineers, conductors, trainmen, switchmen, hostlers, and yardmasters.

SMART-TD respectfully submits this public comment in strong opposition to the Association of American Railroads (AAR) waiver request under Docket No. FRA-2025-0059. The AAR seeks to reduce the frequency of federally mandated human visual track inspections, requesting authority to substitute these inspections with automated technologies under the guise of “safety advancement.”

SMART-TD believes this proposal represents a **dangerous retreat from proven safety practices**, one that would place the lives of rail workers and the public at unnecessary and unacceptable risk.

## **1. Human Lives Depend on Thorough, Timely Track Inspections**

Our members live and work on the railroads every day. They are in the cabs of locomotives, on the sides of freight cars, in rail yards, and across every mile of our national track infrastructure. These men and women are quite literally on the front lines, trusting the integrity of the tracks beneath them to prevent disaster. For them, track inspection is not theoretical. It is a life-and-death issue.

Reducing visual inspection frequency from twice weekly to just twice monthly, as proposed by the AAR, amounts to a 75% decrease in oversight. This drastic reduction would leave potentially defective tracks in service for weeks at a time, which is an unacceptable gamble when rail crews and communities are exposed to the consequences.

## **2. ATI Is a Tool—Not a Substitute for the Human Eye**

AAR's waiver rests on a misleading premise: that Automated Track Inspection (ATI) technology can replace the trained human eye. It cannot.

In a recent congressional hearing titled “*America Builds: The Role of Innovation and Technology in Rail Modernization*” (June 24, 2025), BMWED President Tony Cardwell testified on this very issue. In the hearing, Mr. Cardwell highlighted the stark reality:

“There are 27 different types of track defects human inspectors are trained to detect. Automated Track Inspection can detect only about 27% of those. That means 73% of known defect types go undetected by ATI systems.” ([Hearing video](#))

Mr. Cardwell also cited Ezekiel 33:6, underscoring the moral responsibility of rail safety stakeholders:

*“But if the watchman sees the enemy coming and does not sound the alarm to warn the people, he is responsible for their death.”*

At SMART-TD, we share this obligation. Not only are we helping Brother Cardwell sound the alarm through this public comment, we also submit that SMART-TD fully endorses the comments submitted by the BMWED itself.

Our union shares BWED’s concerns as well as the duty to serve as the proverbial watchman in Cardwell’s biblical analogy. But in the case of this waiver request by the AAR, the FRA is more than the watchman; you are the gatekeeper. The alarm is sounding loudly. And it is your duty to stop this waiver and its inevitable erosion of safety.

### **3. Railroads Already Use ATI—They Don’t Need a Waiver**

It is important to note that nothing in the current FRA regulations prohibits the use of ATI. AAR members are free to deploy this technology today (as many already do) as a supplemental tool.

What they are seeking through this waiver is not permission to use ATI, but permission to eliminate 75% of the human element. They want to replace human inspection, not complement it. Their proposal doesn’t modernize safety. It monetizes it. It turns public risk into private profit by slashing safety measures that cost money and replacing them with unproven automation known to turn a blind eye to 73% of rail defect types known to cause derailments.

### **4. Allowing 72 Hours for Remediation Is a Reckless Policy**

AAR’s request also includes a provision to allow up to 72 hours to address defects identified by ATI before either fixing them or removing the track from service. In that time, hundreds of trains, many carrying hazardous materials or passengers, could cross those defective tracks.

There is no justification for such a delay. Human inspectors can, and do, initiate immediate corrective actions, including slow orders or field repairs. Delaying action for 72 hours undercuts the very purpose of inspections: preventing derailments, not responding to them after the fact.

### **5. No Acceptable Number of Preventable Catastrophes**

SMART-TD must emphasize this: our members and the American public are not data points in a risk mitigation algorithm. There is no such thing as an acceptable number of preventable rail catastrophes. Any regulatory system that allows known defects to remain unaddressed in the name of “efficiency” is failing its mission.

The AAR’s waiver petition attempts to sanitize what is clearly a dangerous and shortsighted cost-cutting measure. Framed as innovation, it is instead a pretext to erode accountability, discard proven safety practices, and endanger rail workers and communities.

### **Conclusion: FRA Must Say No**

We urge the FRA to reject this waiver in its entirety.

- ATI should be used as a safety overlay, not a replacement.
- The human component of track inspections is irreplaceable and must be preserved.
- Delaying defect remediation by 72 hours is unjustifiable and dangerous.
- This waiver represents a power grab that prioritizes profit over safety.

SMART-TD calls upon the FRA to stand with the workers and the public. Deny this waiver. Do not allow the railroads to play games with our lives.

We thank the FRA for the opportunity to speak to this critical safety issue and to ensure that both labor and community voices are heard. SMART-TD stands ready to support further dialogue and provide additional insight. Representing the men and women whose lives depend on the reliability of the rails under them is not a responsibility this organization or I take lightly. We are proud to stand with the BMWED in our strong opposition to the minimization of the skill set of those workers who strive every hour of every day to expertly ensure our members have the opportunity to complete our work safely and return to our homes and families safely.

A handwritten signature in black ink, appearing to read 'Jared Cassity', with a stylized, flowing script.

Jared Cassity  
National Safety and Legislative Director  
SMART Transportation Division