

**DEPARTMENT OF TRANSPORTATION
FEDERAL RAILROAD ADMINISTRATION**

**DOCKET NO. FRA-2025-0122
ALLOWING FOR THE ELECTRONIC POSTING OF REPORTABLE
INJURIES AND OCCUPATIONAL ILLNESSES
NOTICE OF PROPOSED RULEMAKING**

**COMMENTS OF
THE ASSOCIATION OF AMERICAN RAILROADS AND
THE AMERICAN SHORT LINE AND REGIONAL RAILROAD ASSOCIATION**

The Association of American Railroads (AAR) and the American Short Line and Regional Railroad Association (ASLRRA) (jointly, the Associations), on behalf of themselves and their member railroads, submit the following comments in support of the Federal Railroad Administration's (FRA's) July 1, 2025, Notice of Proposed Rulemaking (NPRM), which proposes to revise 49 CFR § 225.25(h) to allow railroads to post a listing of all injuries and occupational illnesses reported to FRA in an electronic format if certain conditions are met and make several organizational changes to paragraph (h).¹

Statement of Interest

AAR is a trade association whose membership includes freight railroads that operate 83% of the line-haul mileage, employ 95% of the workers, and account for 97% of the freight revenues of all railroads in the United States; and passenger railroads that operate intercity passenger trains and provide commuter rail service. ASLRRA is a national trade association representing the interests of about 600 short line and regional railroad

¹ "Allowing for the Electronic Posting of Reportable Injuries and Occupational Illnesses," Proposed Rule, 90 Fed. Reg. 28648 (July 1, 2025).

members in legislative and regulatory matters. Short lines operate 47,500 miles of track in the United States, or approximately 29% of the national freight network. The members of the Associations will be directly affected by the proposed changes because they must comply with the requirements of part 225.

Allowing electronic posting of the required information is mutually beneficial.

The proposed amendment would revise § 225.25(h) to allow railroads to electronically post the required list injuries and occupational illnesses. This proposal makes practical sense because it uses technological innovation to advance safety and efficiency. Electronic posting provides at least an equivalent level safety as posting paper copies. Moreover, there is no degradation in the information provided because the electronic information mirrors the information that is otherwise required to be provided in hard copy format; it just provides it in a portable format that can be accessed at any time.

As noted by FRA in the preamble, several railroads already use electronic posting pursuant to waivers granted by FRA.² While the waivers benefit the railroads by allowing them to efficiently transmit the required information to employees without the expenses associated with printing (e.g., purchasing and maintaining printers across the network, stocking each printer with paper, supplying ink, etc.), it also benefits employees who have greater access to data. Employee access to the required data is enhanced because the railroad databases are searchable and available to employees 24/7/365. This is not lost on employees. Indeed, BNSF found that its employees are actively engaged in accessing the posting system. In its recent petition to renew an existing waiver, it noted that employees

² See e.g., FRA-2018-0083, FRA-2019-0046, FRA-2020-0028, and FRA-2023-0087.

ran at least 655 reports in 2024.³ Moreover, BNSF stated that it “has received no negative feedback about the paperless injury log process or complaints that this information is not posted in paper form.”

Additionally, using an electronic format allows railroads to provide the illness and occupational injury information through a single portal alongside other types of safety-related information and training opportunities. For example, CSX states in its waiver petition that its portal “gives employees the opportunity to access a variety of safety, training and other pertinent information.”⁴ Similarly, Norfolk Southern reports in its recent petition to extend its waiver that its platform is used as the delivery method “for most safety-sensitive information disseminated to NS employees, including rule books, manuals, guides, and other important safety and compliance information.”⁵

The NPRM is consistent with the deregulatory agenda of the President and the Secretary of Transportation.

Executive Order (E.O.) 14192, “Unleashing Prosperity Through Deregulation” states that it is the policy of the President “to significantly reduce the private expenditures required to comply with Federal regulations.”⁶ Consistent with that policy, E.O. 14219, “Ensuring Lawful Governance and Implementing the President's ‘Department of Government Efficiency’ Deregulatory Initiative,” directs agencies to rescind regulations that “impose significant costs upon private parties that are not outweighed by public benefits,” “regulations that harm the national interest by significantly and unjustifiably

³ FRA-2018-0083-0007.

⁴ FRA-2020-0028-0001.

⁵ FRA-2019-0046-0008.

⁶ 90 Fed. Reg. 9065 (Jan. 31, 2025).

impeding technological innovation,” and “regulations that impose undue burdens on small business and impede private enterprise and entrepreneurship.”⁷ On April 3, 2025, the Office of the Secretary published a Request for Information (RFI) in the Federal Register seeking information to “achieve[] meaningful burden reduction while continuing to meet statutory obligations and ensure the safety of the U.S. transportation system” as part of DOT’s efforts to implement the President’s deregulatory agenda.⁸

The proposed rule incorporates much needed flexibility into part 225 that will allow railroads to use a technology-based format for providing the required injury and occupational illness information in an efficient and effective matter. Importantly, NPRM also retains necessary flexibility by providing the technology-based alternative as an option for compliance. Moreover, NPRM eliminates the requirement to periodically petition FRA for waivers to allow the use of electronic posting which have already proven successful and effective. If finalized, the Associations’ members will be relieved of the costs associated with submitting waiver petitions every five years. Similarly, FRA will be relieved of the administrative costs associated with assessing successive petitions seeking the same relief.

⁷ 90 Fed. Reg. 10583 (Feb. 19, 2025).

⁸ 90 Fed. Reg. 14593.

For these reasons, the Associations support the NPRM and recommend that FRA issue a final rule incorporating the proposed changes to §§ 225.25(h).

Respectfully submitted,



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