

February 29, 2024

The Honorable Amitabha Bose
Administrator
Federal Railroad Administration
1200 New Jersey Avenue SE
Washington, DC 20590

Re: FRA Safety Actions in Response BNSF Mechanical Furloughs

Administrator Bose:

On behalf of the Transportation Trades Department, AFL-CIO and the totality of rail labor as represented by our affiliated unions, we are writing to urge the Federal Railroad Administration (FRA) to immediately conduct unannounced focused inspections of all BNSF owned and leased locomotives and rail cars located at, or in transit, to all BNSF Locomotive Maintenance Inspection Terminals (LMITs)¹, and further issue non-compliance orders requiring BNSF to repair any defects before being permitted to utilize their locomotives and rail cars. We have long-held concerns about numerous defects that are intentionally being ignored and neglected by BNSF because managers that are under pressure to perform work with an inadequate number of workers. These problems will only be exacerbated by the extreme Mechanical Department cuts that were callously carried out by BNSF on February 27, 2024.

As you may recall, on December 19, 2023, the Shop Craft Unions² gave a presentation explaining how the class I freight railroads' Mechanical Department employees have been slashed by over 41% since 2015. We also explained that the Shop Craft Unions were receiving numerous reports that Shop Craft workers were being instructed by railroad managers not to perform federally required safety inspections of locomotives and rail cars, to ignore the findings and reporting of defects, harassed to perform inspections in impossibly-short timeframes, and that the workers have even been instructed to fabricate federally required inspection reports at shops across BNSF.

We believe BNSF carried out this scheme because of its constant push to cut costs and turn higher profits for shareholders, regardless of its impact on safety. We also assert that BNSF enacted this scheme because there simply were not enough Mechanical Department workers to perform this critical work – and what better way to speed up operations than to avoid inspections, services, maintenance and repair altogether. Like other Class I railroads, BNSF decimated their workforce

¹ Locomotive Maintenance Inspection Terminals (LMITs) are the locations where critical safety inspections, service, maintenance and repairs are performed to keep locomotives and rail cars in good working order.

² The Shop Craft Unions are, in alphabetical order: The Brotherhood of Railway Carmen Division, TCU/IAM (BRC), the International Association of Machinists and Aerospace Workers (IAM), the International Brotherhood of Boilermakers (IBB), the International Brotherhood of Electrical Workers (IBEW), the National Conference of Fireman and Oilers, Local 32BJ/SEIU (NCFO), the International Association of Sheet Metal, Air, Rail and Transportation Workers Mechanical Department (SMART MD), the Transportation Communications Union (TCU/IAM) and the Transport Workers Union of America (TWU).

numbers in recent years in pursuit of this unsafe operating model. These cuts proved too steep, even for BNSF, as in December 2022, BNSF had nearly 1,000 locomotives that were far beyond compliance with federally mandated inspections. With their own workforce decimated, BNSF sought to contract out this work. We also provided data that showed that overtime had increased amongst the Mechanical Department workforce on the Class I railroads by 59%.

On January 9, 2024, the Shop Craft Unions subsequently filed a report supporting our claims, which clearly described alarming safety statistics and included various documents detailing BNSF's locomotive inspection practices. On January 15, 2024, the American Association of Railroads (AAR) petitioned the FRA for a waiver to avoid the performance of federally required inspections of their locomotives, with particular respect to BNSF. BNSF advised that several hundred locomotives would soon be out of compliance with federally-mandated inspections, alleging that it was on account of a snowstorm – implying that winter weather is somehow a new phenomenon to railroading. The FRA ultimately did not grant the waiver. Following their waiver petition, BNSF imposed 6-day workweeks (i.e., mandated overtime) on the Mechanical Department workforce at several locations. Now, approximately one month later, on Tuesday, February 27, 2024, BNSF Railway callously announced it has furloughed over 362 Mechanical Department positions at numerous locations across their system, but primarily at LIMITs.

BNSF has said that the slashing of these positions was necessary to realign with their business operations and to respond to business decline. BNSF has also said that many of these Mechanical Department workers will be provided opportunities to work for BNSF in other Mechanical Department positions at different locations, as well as vacant positions within BNSF's Maintenance of Way Department. We have been notified that only ~150 Mechanical Department positions will be made available, so a net loss of nearly 210 Mechanical Department employees stands as the minimum across BNSF.

It must be noted that BNSF already decimated its Mechanical Department workforce to the extent that they cannot adequately perform federally mandated safety inspections, as verified by their most recent waiver petition. We continue to be informed by our members that BNSF is ignoring known FRA defects on BNSF's active locomotives and rail cars. Moreover, BNSF has imposed forced overtime work at certain locations, yet again. In other words, the employees are being mandated to work harder - not safer– to try and keep up with BNSF's productivity and profit demands. This is reckless, dangerous, impossible and unacceptable, especially for a company that reports billions in profits annually.

Furthermore, if Mechanical employees were to switch crafts they would be forfeiting their established seniority within the Mechanical Department by transferring to new locations, different mechanical crafts or the Maintenance of Way Department positions. **In other words: they would be effectively starting their railroad careers over,** as seniority is the cornerstone of work opportunities within the railroad industry. Most of these employees would be required to relocate to maintain employment on BNSF, which is extremely disruptive and comes without any guarantee of long-term employment stability for employees and their families. And the majority of available MOW positions pay approximately \$6 - \$8 per hour less than Mechanical Department positions. In other words: it is Hobson's choice that the Mechanical employees and their families should not

have to face, especially when there is no shortage of Mechanical work to be done on BNSF and BNSF continues to rake in billions in profits.

The FRA has an obligation to act upon and investigate credible information and reports that concern the safety of our nation's railroads. BNSF is required to uphold the integrity and safety of their locomotives and rail cars, while also ensuring the workers' safety. BNSF workers are being pushed beyond capacity, and with these additional cuts, there is grave concern that there will be additional lapses in safety. We are seeing this verified in real time with exhausting and unsafe overtime mandates. It is time to stop the scheme that puts profits above all else.

We urge the **FRA take immediate action to hold BNSF accountable by immediately performing randomized audits and focused inspections and further issue non-compliance orders requiring BNSF to repair any defects found on their owned and leased locomotives and rail cars across their network.**

Please advise us of your intended actions.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Greg Regan', with a stylized flourish at the end.

Greg Regan, President
Transportation Trades Department, AFL-CIO