



A bold voice for transportation workers

March 4, 2022

The Honorable Pete Buttigieg
Secretary of Transportation
U.S. Department of Transportation
1200 New Jersey Ave., SE
Washington, DC 20590

The Honorable Martin J. Walsh
Secretary of Labor
U.S. Department of Labor
200 Constitution Ave., NW
Washington, DC 20210

Dear Secretary Buttigieg and Secretary Walsh:

On February 1, 2022, BNSF Railway implemented a new “Hi-Viz” attendance policy that betrays its obligation to protect the safety and health of its workers and the public. This draconian new policy will reduce the safety of the rail network and exacerbate existing supply chain challenges. We concur with the letter sent on January 31, 2022 by the BLET and SMART-TD, TTD affiliate unions, and hope you will examine this matter and its effects on impacted BNSF employees.

Most railroad engineers and trainmen do not work predictable schedules. They are expected to remain in on-call status continuously, without pause for weekends and holidays. This often means that a rail worker can learn at any time, with as little as 90 minutes of notice, that they are called to report to work for a shift lasting anywhere from 12 to 60 hours. The only mechanism that provided some degree of predictability to this arrangement was train line-ups, which indicated a loose likelihood of being called to duty, and were solely managed by the railroad. BNSF has admitted that this system was inadequate and poorly predicted workers’ schedules.

As rail workers and your departments know well, working while fatigued is dangerous, and any system that incentivizes it is unacceptable. The new “Hi-Viz” policy both incentivizes coming to work while ill or fatigued, and increases the ever-present threat of discipline, including suspensions and dismissal. Particularly during a pandemic, workers must not be discouraged from accessing their duly earned sickness, vacation or FMLA leave. This is critical to fighting the pandemic, and preventing the spread of the virus throughout the railroading community. Pandemic aside, it is simply incompatible with safety to push rail employees even further towards having to be prepared to work on a moment’s notice, every moment of the year, lest they suffer disciplinary action up to and including the loss of their livelihood.

Transportation Trades Department, AFL-CIO

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Greg Regan, President / Shari Semelsberger, Secretary-Treasurer



After years of furloughs and layoffs in the rail industry, if BNSF lacks the workforce capacity to operate its railroad safely, then it only has itself to blame. It is BNSF's responsibility to manage a workforce that is skilled, safe, and rested. Hi-Viz is just another example of industry trends towards efficiencies at the expense of workers, customers, and safe operations.

The railroad trainmen and engineers who kept the country moving throughout the pandemic are entitled to a safe workplace and sensible attendance policies. We strongly support the request of SMART-TD and BLET that the Department of Transportation and the Department of Labor will examine the harmful "Hi-Viz" policy, as well as similar policies implemented by other Class I carriers, and take appropriate action within the powers of your agencies.

Sincerely,

A handwritten signature in black ink, appearing to read "Greg Regan", written over a circular stamp or seal.

Greg Regan
President

cc: A. Bose, Administrator of the Federal Railroad Administration