



Transportation Trades Department, AFL-CIO

February 12, 2025

Mr. Karl Alexy
Associate Administrator for Railroad Safety & Chief Safety Officer
Federal Railroad Administration
1200 New Jersey Avenue, SE
Washington, DC 20590

RE: BNSF Petition for Emergency Relief
FRA Docket No. FRA-2025-0015

Mr. Alexy:

On behalf of the Transportation Trades Department, AFL-CIO (TTD), I am pleased to respond to BNSF's request that the Federal Railroad Administration (FRA) open an emergency docket under 49 CFR 211.45. BNSF requests relief from the provisions contained in 49 CFR 229.23; 49 CFR 229.25; and 49 CFR 229.27, in addition to the associated rules governing periodic locomotive inspections and 49 CFR 232.15 for up to 14 days due to winter weather. TTD consists of 37 affiliated unions representing the totality of rail labor, including BNSF employees.¹ The members represented by our affiliate unions are expected to report to work in all weather conditions, and will be directly affected by BNSF's lack of careful planning. For the reasons outlined below, we respectfully request that the FRA deny BNSF's request.

First, we must stress that current weather conditions and forecast winter storms do not rise to the level of an "emergency event" or "emergency situation" as required under 49 CFR 211.45. The weather conditions described in BNSF's request are routine for this time of the year, and the railroad should have taken better care to equip its network to handle this reality. Rather than ensuring its equipment was inspected and in compliance with FRA regulations ahead of upcoming winter storms, BNSF has elected to request relief from inspection requirements. All railroads, including BNSF, have had multiple days' notice of inclement weather, yet BNSF is unprepared to meet basic FRA inspection requirements. Simply put, poor planning does not constitute an emergency situation.

According to BNSF, "should FRA grant this relief, the emergency waiver would allow BNSF to operate the subset of locomotives trapped or delayed on line-of-road by severe weather conditions slightly beyond their periodic inspection due dates. It is BNSF's plan to move these locomotives into shops for periodic maintenance as soon as they arrive at the pre-planned maintenance facilities." We are concerned that BNSF plans to allow locomotives

¹ Attached is a complete list of the unions affiliated with TTD.

to bypass maintenance facilities and continue in use service to a designated facility. The FRA must not allow locomotives to pass repair facilities, especially when they are beyond period inspection dates.

We must also highlight BNSF's steep workforce and equipment cuts in recent years that have undoubtedly contributed to BNSF's lack of preparedness this winter season. Specifically, BNSF has slashed its number of maintenance of equipment and stores employees from a recent high of 8,908 in March 2019 to 5,889 in December 2024, a decrease of over 30 percent.² BNSF has also made the decision to close maintenance facilities that historically performed periodic inspections. In conjunction with these closures, BNSF reduced the workforce at several of the remaining maintenance facilities along BNSF's northern routes.

BNSF argues that weather-driven issues like "equipment with frozen air" and "mechanical failures on cars and locomotives" justify its request for relief. These issues would be eliminated if BNSF allocated the resources and manpower necessary to adequately inspect and maintain its equipment. Trainline air only freezes when moisture is present. If BNSF maintained air supply properly, the system would remove the moisture and in turn eliminate the "frozen air" problem. BNSF also cuts corners with regard to preventative maintenance. As a result of equipment cuts, when locomotives are out of service longer than expected, workers are instructed to perform the FRA's required inspections, rather than preventative maintenance in addition to inspections.

For years, TTD and our affiliated unions have warned that reductions in equipment and workforce leave zero margin for error, which is clearly supported by BNSF's request for emergency relief. BNSF must be held accountable for maintaining the workforce and equipment levels necessary to comply with the FRA's regulations, even in the face of routine winter weather.

Finally, BNSF notes on page 3 of its request, "Class I railroads respectfully requests relief from the online setout requirements for cars and locomotives at remote setout points served primarily by road trucks." The FRA must clarify with BNSF whether this request is intended to apply to all Class I railroads. If the relief will be extended to all Class I railroads, each individual railroad should be held responsible for requesting waivers necessary to address their specific operating needs.

We appreciate the opportunity to comment on this petition and look forward to working with the FRA in the future.

Sincerely,



Greg Regan
President

² <https://www.stb.gov/reports-data/economic-data/employment-data/>