Denver, Colorado, BNSF worker killed in rail yard accident

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If you are a railroad worker at BNSF or another company, contact the WSWS with your comments.

A BNSF worker was killed in a rail yard accident in Denver, Colorado, on Wednesday, February 9. The worker, whose name has not been released, died after being struck by a train at the company's Globeville yard, which is north of Coors Field. The National Transportation Safety Board (NTSB) is investigating the accident.

This tragedy took place one day after US District Judge Mark T. Pittman extended a restraining order that forbids BNSF workers to strike over the company's new Hi-Viz attendance policy. The policy, which the company imposed unilaterally on February 1, allots each worker 30 points and deducts points for every time that a worker takes off from work, regardless of the reason. To earn points back, workers must be on call 24 hours per day for at least two weeks straight. The policy is being used to discipline or fire workers who lose their points and to ensure that workers are available for duty at almost all times.

Even before the new policy was enacted, many BNSF workers did not have predictable schedules or assigned days off. The new policy will exacerbate workers' difficulties in scheduling doctor's appointments, spending time with their families or even getting needed sleep. An inevitable consequence of the policy will be an increase in workers' fatigue, which will in turn increase the risk of serious accidents and deaths.

Three BNSF workers have died in the past year alone. In April 2021, conductor Buddy Strieker died in a switching accident while working at a customer facility in Louisiana, Missouri. Strieker was 56 years old and had worked for the company for more than 24 years.

In March, 2021, a worker was killed while working at the La Mirada rail yard near Los Angeles, California. Emergency personnel determined that two trains had converged and crushed the worker. Both deaths became the subject of NTSB investigations.

In 2021, four BNSF workers died on duty. This was half of the total worker fatalities for the entire railroad industry last year.

Many factors contribute to these accidents and fatalities. One factor is the relentless cost-cutting that the railroads, like every other industry, carry out to increase profits for their owners and shareholders. Another contributing factor is the increased deregulation of the industry. One turning point in this process was the 1996 dissolution of the Interstate Commerce Commission (ICC), which had been established in 1887 to regulate the railroads.

This deregulation has abetted an increase in mergers within the industry. BNSF itself is the product of a merger of the Burlington Northern Railroad and the Atchison, Topeka and Santa Fe Railway. This merger was completed in 1996—the year that the ICC was dissolved. BNSF is majority owned by billionaire Warren Buffett.

By requiring workers to be at the company's beck and call, BNSF's new Hi-Viz attendance policy will dramatically increase their stress, overwork, and fatigue. These conditions will only make fatal accidents more likely. Data compiled by a BNSF worker indicated that resignations had increased to an average of 31 per week shortly after the policy was introduced, with 57 workers resigning last week. Workers are seeking other jobs, and some are openly expressing thoughts about suicide.

Most BNSF workers are members of the Sheet Metal Air Rail Transportation-Transportation Division (SMART-TD) union or the Brotherhood of Locomotive Engineers and Trainmen (BLET). Opposed to any

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serious mobilization of workers to the Hi-Viz policy, the unions are enforcing the restraining order that BNSF obtained. Not only are the unions forbidding workers to strike, they also have instructed them not to make any comments at all to the press, essentially stripping workers of their right to free speech.

In addition to acting as policemen for the company, SMART-TD and BLET are diverting workers' attention to the courts. The unions are filing legal appeals that they know will be fruitless, since the company is "overseen" by the Railway Labor Act of 1926. This act has made strikes illegal, for all practical purposes, for nearly a century. Indeed, in its latest legal filings, BNSF gloated that the courts routinely decide in favor of the railroads and that its victory in this dispute is a foregone conclusion.

To further distract workers' attention from their treachery, SMART-TD and BLET have appealed to the Biden administration for help. The unions have argued that the company's new policy compromises worker safety, knowing full well that Biden has subordinated workers' safety, and even lives, to the interests of profit. His administration is ending the few remaining public health measures put in place to control the pandemic and has even ended its requirement that hospitals report daily COVID-19 deaths to the Centers for Disease Control and Prevention.

The conduct of SMART-TD and BLET during this struggle clearly illustrates that these organizations are engaged in a pantomime to cover up their activity as agents of BNSF. Even if workers' opposition pushed the unions into declaring a strike, the unions' leadership would quickly isolate and suffocate the strike to protect the company's profits. For workers to conduct a genuine struggle, they must form independent rank-and-file committees, controlled democratically by workers themselves, to mobilize BNSF and all railroad workers in a common fight to end these conditions of exploitation.

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