

After Congress imposes rail contract, BNSF announces plans to contract out locomotive maintenance

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BNSF Railway plans to outsource a significant amount of its locomotive maintenance to nonunion contractors, the company announced in a letter last month. The move, which was announced on January 5, came barely more than a month after Congress intervened to impose a bipartisan anti-strike law against 120,000 railroaders across all seven major railroads, imposing a contract which several crafts had voted to reject.

The railroads have been pressing their advantage in the aftermath by carrying out significant attacks on workers. Only days after the law was passed, BNSF, Union Pacific and Norfolk Southern announced pilot programs to reduce crew sizes from two to one. That move was in flagrant violation of promises made earlier last year that the long-sought-after reduction in crew sizes, which would create significant safety issues, would be shelved for the life of the new contract, which the rail unions had earlier hailed as a huge victory.

The latest move by BNSF to contract work out of the bargaining units covering locomotive maintenance workers is not only a flagrant contract violation, but also of the basic principles of collective bargaining. Even by the letter of the undemocratic Railway Labor Act, this clearly qualifies as a “major dispute” which workers would be entitled to strike over. As far as management, together with both Congress and the corrupt union apparatus which helped to block strike action last year are concerned, the contract is only “binding” upon workers, while the railroads are free to flout it whenever convenient.

BNSF justified the move by citing the entirely predictable arrival of “winter weather,” as well as the railroad’s substantial backlog of scheduled maintenance. This backlog, however, is due to years of job cuts which have fueled rising

profits.

One railroad worker, who asked not to be named, said that the railroad has relied on Federal Items Only (FIO) exemptions from the federal government, which allows the company to reduce maintenance to a federally required minimum. “A federal inspection item only locomotive (FIO) really is a 368 inspection mandated by the FRA [Federal Railroad Authority]; however, the way they work them is by not doing them. They load them up, make sure it makes 4500 horsepower, and off it goes,” the rail worker stated.

“Some crews would do two FIOs in one day, which is ridiculous. The management was desperate for power and didn’t want to work on its own equipment, so they started the FIO thing last year. Now all this equipment is breaking down worse than ever, and they can’t skimp it anymore given that the Federal Railroad Authority (FRA) mandates by the law that every locomotive get a full inspection. Now they are over their heads in required maintenance with not enough personnel to do it, so scab shops are the solution.”

“Typically management would get angry or play dumb when you would actually do a FIO the right way. They just wanted you to ignore all issues, as much as possible, and send it off. Management is evaluated based on its number of releases per day, not upon its quality of repairs,” he concludes.

A railroad electrician explained these issues in further detail.

“The problem is that BNSF is reporting to the STB, the Surface Transportation Board, that they have hired four hundred and fifty (450) some odd people across the system, but what they are not saying is *what* group of people have been hired,” he said. “We have lost a hundred and eleven electricians across BNSF’s properties, and that’s just on the electricians side. That has nothing to do with the machinists or the laborers that are there. The only people they’re able to hire right now are laborers, even at our new pay rate.”

“The problem is, that still with their increase in wages we

can't hire anybody as an electrician that has an electrical background. We're the only industry that deals with DC and AC every single day. The only industry and yet we're still so far behind in pay even with our entrance pay.

"They're trying to take our units and contract them out because of our rate of pay. It's cheaper for them just to send it to a contractor. Well, the problem with that is, none of these people are electricians. None of them.

"They [BNSF] went to Lincoln, Nebraska, which is one of our shops, they shut all their overtime down and they sent all of their parts to the contractors, so all the stuff that's needed to do this job they sent to the contractors instead of allowing our people to do the job.

"They're asking for us to do as minimal work as possible on this equipment to get it out of here, but there's things wrong with them. We need to do this service, we need to do these things and they are not wanting to do it. We have projects that are open on almost every single unit that's on our system and we haven't done projects since mid-year last year. We've turned off projects completely."

Responsibility for this situation lies with the trade union bureaucracy, which ignored an overwhelming strike vote and kept workers on the job past the expiration of the legal restrictions on striking last September. Instead, using lies, intimidation and outright fraud, they sought to ram through a contract brokered by the Biden administration that was widely hated by workers. If BNSF is willing to openly flaunt even the terms of this contract, it is because they know the union apparatus will work to hold workers back.

Jeff Allred, System Council 16 chairman for the International Brotherhood of Electrical Workers (IBEW), announced that the union would be holding a strike authorization vote over the issues in a letter dated January 24. But the IBEW already ignored support for strike action and pushed through the contract for electricians in a ballot marked by widespread irregularities, including significant numbers of workers who never received ballots (Congress later intervened because the contract was rejected by workers in several other unions).

International Association of Machinists (IAM) members were the first to vote down the contract last fall, but the bureaucracy simply forced them to vote again on a nearly identical deal. On January 27, IAM District 19 president Kyle Loos issued his own letter, which carefully avoided the question of strike action. Instead, Loos said that the IAM was "going to pursue the best legal action available." He added, "Although this might not be popular, we are recommending that overtime be utilized to perform this work if necessary." In other words, Loos proposes as a "solution" offering up understaffed machinists for forced overtime, ramping up exploitation of IAM members to

render contract work unnecessary.

The offensive by BNSF proves that, though Congress illegitimately voted itself the "right" to impose the contract, nothing has been settled as far as workers are concerned. The move to contract locomotive maintenance is only the tip of the spear. If this is allowed to go forward, the railroads will try to unilaterally impose many other concessions in the coming months and years.

The way forward for railroaders is to organize themselves independently of both management and the bureaucracy, building up the alternative structures necessary to give them effective control over their own fight. This means continuing the development of the Railroad Workers Rank-and-File Committee, which was founded last fall and played a leading role in mobilizing opposition to the contract.

A statement issued by a joint meeting of the RWRFC and workers in other industries, held as the anti-strike law was making its way through Congress, declared:

"As representatives of rank-and-file rail workers, we declare that, as far as we are concerned, there is no contract, whether Congress passes legislation or not. Congress, one of the most hated institutions in America, has no right to override the democratic rights of workers. If the apparatus of the unions signs these agreements, they do so in violation of the express will of the rank and file. Therefore, railroad workers reserve the right to organize and prepare collective action."

It continued: "The representatives of rank-and-file workers outside the rail industry pledge to use all means available to us to mobilize our coworkers to defend railroaders. Experience has proven that this is a battle that can only be won through the independent organization of workers themselves, outside of the control of the corrupt union apparatus. We cannot let railroaders fight Congress and corporate America on their own."

To contact the committee for more information, email them at railwrfc@gmail.com. Alternatively, fill out the form below.



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