

On heels of Fed's two-person rail crew rules, BNSF tightens screws on Hi-Viz attendance policy

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Railroad workers: speak out against the changes to the Hi-Viz! Fill out the form at the bottom of this article. All submissions will remain anonymous.

BNSF, the largest of the six Class I rail carriers in the US, issued a memo on April 16 detailing onerous new changes to the company's hated "Hi-Viz" attendance policy.

The company's ability to impose these changes at will is above all due to the support it receives from both corporate parties, as well as the sellout union bureaucrats. "Hi-Viz" was a key issue in 2022, when railroaders pushed for a national strike. Instead, the union bureaucracy stalled for time after workers rejected a contract brokered by the White House, until Congress passed a law banning a strike.

The changes also come on the heels of the Federal Railroad Administration's (FRA) release on April 2 of new rules governing minimum crew sizes. These rules are filled with loopholes and exceptions, or as one worker commented on a freight news site, "This two man crew bill is 223 pages of nothing but exemptions to run one man crews."

Major rail carriers have been fighting to reduce mandatory crew sizes to just a single engineer, an obvious safety hazard for overworked train operators working in isolation. As Katie Farmer, BNSF CEO, put it in 2022, "We think [one-man crews] is good for the industry. It allows us to evolve and compete, which we need to do ... [R]ailroads need to remain competitive."

The reality is that the railroads are the most profitable industry in the country and this is another naked attempt to extract profits through the exploitation of workers.

Furious over any new regulation at all of their regional monopolies, BNSF investors, led by billionaire Warren Buffett, are hellbent on passing any costs incurred by the new rules onto workers. The updated Hi-Viz policy, a points-based system to limit worker time off and penalize or terminate them for not being available when the company demands, now requires workers to work longer stretches to accrue points and deducts significantly more points for each time off request.

The wife of one railroader told the WWSW that her husband is away from his family for 90 to 100 hours per week. "[Hi-Viz] is even more inhuman than when it was first introduced," she said. "Within days of the two-person crew rule announcement, severe changes were handed to train crew employees with less than 24

hours' notice. With the changes severely scaling back the ability to earn back points and making points deductions three to four times higher per day off for any reason, basically no train crew employee will be able to stay employed, let alone retain their physical and mental health."

Amendments to Hi-Viz policy

Hi-Viz assumes train crew are always available to operate a train, whether on holiday, on short notice, in the middle of the night, after 12 or 20 hours of work, or any other condition. Workers have to remain always-available for long stretches to accrue additional points that can be "exchanged" for days off or to pay down penalties. Depleting one's points is grounds for termination.

Previously, every 14-day stretch without time off or violation accrued four points. Under the amended policy, workers have to be on-call 18 days straight to accrue the same points.

The maximum points a worker can bank is 30, or 37 with special incentives—this has not changed. However, management increased the minimum deduction for a day from two points to seven when requesting a non-weekend, non-holiday, non-"high impact" day off. Penalties for failing to schedule time off or being a "no show" ballooned to as high as 25 points per incident.

A worker would have to be on-call for 126 days straight to accrue 28 points. Nearly all of this could be wiped out if a worker misses even a single day of work due to illness or exhaustion. Likewise, scheduling a medical procedure or attending a family function, let alone a holiday, quickly exhausts even the maximum points that can be earned.

Response from workers

Hundreds of workers posted on social media as the updated Hi-Viz policy was announced, overwhelmingly directing their ire

towards the unions and Democrats. One worker said sarcastically, “Things sure would be different if this were a union job.”

Others were more blunt: “Can I retract my union dues?” asked one. “What is the point of a union?” said another. A third said: “I blame the union. Hi Viz was supposed to go to arbitration already and the union backed out.” And a fourth worker: “Sorry, but the problem is the unions and carriers! It’s called a Wildcat Strike!”

Many recall the role of Biden and the Democrats in 2022. One worker noted, “You all can blame Joe [Biden] and his administration ... [who] crushed the strike. Now he’s asking for your vote.” Another noted how the system is rigged against workers, “Problem is, Biden sides with the carriers and will not allow employees to strike. This allows the Railroads to enforce a type of slavery policy.”

One railroader raised a point often raised by logistics workers—that early retirements and attrition caused by dehumanizing work policies are a desired outcome for management. “This is how they are going to get one man crew,” said the worker, continuing, “Mass quittings and firings, then no one will want to work for the railroads, then the government will cave [to the carriers] and give them one man crews ‘for the good of the country.’”

Lessons of 2022

Hi-Viz was introduced during the 2022 contract talks between Class I rail carriers and the unions covering 120,000 freight rail workers. Rail workers had already been working over three years without a contract when the pro-corporate union bureaucrats pressed for the Biden administration to mediate, falsely claiming this would result in a better deal for workers. Instead, it resulted in a one-sided agreement favoring the carriers, including the adoption of Hi-Viz.

After the majority of rail workers rejected the agreement, Congress, including majorities in both parties and even phony “left” politicians like Bernie Sanders and Alexandria Ocasio-Cortez, intervened to block rail workers’ legal strike action and undemocratically force them back to work under the rejected contract.

At the time, the union bureaucrats feigned outrage over Hi-Viz, even as they were selling out workers by formalizing the new policy in the bargaining agreement. Former Brotherhood of Locomotive Engineers and Trainmen (BLET) National President Dennis Pierce noted in a memo to members, “Hi-Viz has been an abject failure. This unreasonable policy, which keeps locomotive engineers and other railroaders on call day after day, around the clock, has caused hundreds of BNSF’s employees to quit and it has made recruitment of new employees a nightmare.”

AFL-CIO Transportation Trades Department President Greg Regan wrote at the time, “BNSF’s proposed changes to its Hi Viz attendance policy ... do nothing to address the policy’s fundamental flaws. [I]t is appalling that BNSF’s response to widespread reports of worker fatigue is to incentivize this

exhaustion. This will not stand.”

But the working class learned a powerful lesson in the class character of the union bureaucracy and of the government when every one of these officials, together with the “most pro-union president,” Biden, and “Democratic Socialist” politicians like Sanders and Ocasio-Cortez, joined forces to block a strike.

Since then, trains have lengthened to as long as three miles, exhausted train operators have to chug along at minimal speeds to save on fuel, new safety and automation technologies have repeatedly failed, leading to fatal accidents, derailments and environmental disasters such as in East Palestine, Ohio.

Rank-and-file response

The 2022 railroaders’ struggle reached national and international attention because workers resisted the threats and intimidation from union bureaucrats and the Biden administration. Instead, many rank-and-file workers organized independently to take action, forming the Railroad Workers Rank-and-File Committee (RWRFC) across crafts, carriers and even countries.

The committee shared information concealed by the unions, published statements clarifying the issues, and developed a program of demands based on workers’ needs, not the profit madness of billionaires. It held public meetings attended by hundreds of railroad workers and organized informational pickets at major facilities.

In its founding statement, the RWRFC declared: “Our strength lies not in the pretended support of the Democrats, but the real and powerful support from the working class. We must appeal for support from the dockworkers, the refinery workers, the tens of millions of workers around the country who are fighting against the same things as us.”

The imposition of the changes to Hi-Viz shows the struggle for rank-and-file power continues. To learn more about building a committee at your yard or facility, contact us by filling out the form below.



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