



# The Highball

Official Publication of  
**Railroad Workers United**

## East Palestine Disaster 10 Years after Lac-Mégantic Tragedy



Left: The immediate aftermath of the Feb. 3 derailment in E. Palestine, Ohio, with emergency crews attempting to extinguish the raging fires. Center: Gigantic black plumes of toxic smoke fill the sky during the “controlled burn” on Feb. 6. Right: From a distance, the resulting mushroom cloud - which are normally associated with atomic blasts. The NTSB Chairwoman Jennifer Homendy asserted, “This was 100% preventable.”

### **The Carriers’ Relentless Scorched Earth Quest for Profits on Full Display for All the World to See**

On Feb. 3 at 8:55pm, Norfolk & Southern (NS) train N32 derailed in the town of E. Palestine, Ohio, initiating a chain reaction of explosions and fireballs in the night sky. Toxic fumes filled the air and deadly poisons leached into the ground and waterways, ultimately making their way down the Ohio River, killing thousands of fish along the way. As this issue goes to press, the EPA is conceding that their air monitoring may have been inadequate. That might explain why local residents continue to report respiratory issues and skin rashes, among other maladies.

To add insult to injury, three days after the derailment, the NS orchestrated a “controlled burn” of 5 cars of Vinyl Chloride, with the blessings of local, state and federal officials. This resulted in a frighteningly massive mushroom cloud of toxic black smoke that rose into a 40 MPH jet stream. When Vinyl Chloride is burned it becomes phosgene, which is one of the most lethal chemical weapons. According to the Science History Institute, phosgene was responsible for 85% of chemical-weapons fatalities during World War 1. The rationale for subjecting the residents of E. Palestine and the surrounding area to more chemical exposure was to prevent an imminent “uncontrolled” explosion, giving new, literal meaning to the expression, “Pick your poison.”

According to the National Transportation Safety Board’s (NTSB) preliminary report, the immediate cause of the wreck appears to have been a 19th century style mechanical failure of the axle on

one of the cars – an overheated bearing - leading to derailment and then jackknifing tumbling cars behind it. That should come as no surprise to anyone who has seen the video from a factory ring camera, showing the defective wheel literally on fire 20 miles before it eventually derailed.

The train had 150 cars, was 9300 feet long and 18,000 tons. It consisted of 3 locomotives 141 loads and 9 empties. The train had a crew of 3 at the time of the wreck, consisting of an Engineer, Conductor and Conductor Trainee. The NTSB Chairwoman stressed that this derailment was 100% preventable and that there were no issues with any actions of the crew.

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Over 1,000 mourners fill Ste. Agnes Church in Lac-Mégantic, Quebec, on July 27, 2013 - three weeks after the downtown was leveled by a runaway oil train that derailed and exploded - for the mass memorial to honor the 47 victims. Hundreds more participated outside, with the service broadcast on a big screen. After a failed attempt to scapegoat the engineer, no one has yet to be held accountable.



# RWU News

## RWU Builds Capacity with New Staff, Interns, and Volunteers

The dramatic growth of Railroad Workers United this past year or so has enabled the organization to gain invaluable assistance from a whole host of supporters. The prestige that we gained throughout the national freight contract fight in the Fall has inspired numerous young activists to step up and support our efforts. And the newfound funding from all of the new memberships and donations has enabled us to bring much needed support staff and organizers on board as well.

A number of students have been granted intern positions in the last few months to assist RWU with a host of chores and activities. The students will gain valuable experience working alongside of seasoned working railroad union activists, while RWU will benefit from the skills and knowledge they bring to the table.

Matthew "Steph" Cathell is set to graduate from George Mason University (GMU) this spring, is skilled in research and has the potential to hook RWU up with academics who might be able to assist our cause.

Likewise, Cormac Finn McCarty from the Washington, DC area is also an undergrad at GMA in the Government & International Affairs Department. Finn is currently assisting RWU with website development.

Carson Rob from Utah is a law student, also in Washington D.C. studying law at the George Washington University Law School. Carson brings technical research and writing skills necessary to draft a working paper on the benefits of public ownership of rail.

Finally, Brian Dane of Oakland, CA is a graduate student and a union representative who organizes and represents workers. Brian is assisting RWU with the Public Ownership of Rail Campaign.

Meantime, RWU now has a "Press Consultant" who is volunteering his time to assist the RWU Media Outreach Committee and others to make our case to the media. Isi Kirshner-Breen is a

political communications operative from Minnesota who has as a Congressional press secretary and communications director. In March, RWU has taken him on as our "Press Consultant" to advise on media, communications, public relations and fundraising. In addition, we are contracting with professional filmmaker Peter Lyngso of Chicago to produce a series of documentary film clips to explain why various sectors - rail workers, environmentalists, trackside communities, passengers, commuters, tribes, and the general public - all stand to benefit greatly from public ownership of the rails.

Finally, we have contracted with Tabitha Trip as our part-time Grant Writer to fund a number of projects and staff positions. Tabitha is a railroad wife, married to a track foreman, and is also an activist organizing in Southern Illinois. She is currently working on grants to put organizers in the field to build RWU's capacity to grow the organization, to promote solidarity between all crafts and unions, to fund the documentary film series, and to promote public ownership of the railroads.

The hope is that by this time next year, RWU will have a standard internship program established to easily slot student interns into the fold each year as they come available, get them plugged in and set up working to assist the organization's efforts. And we expect to have a number of support staff - in addition to our current part-time office staff, grant writer and bookkeeper - to take care of everything from new member and renewal processing, to assistance with our newsletter and e-newsletter, to organizing and growing the membership base, to working on building many of our ongoing efforts and campaigns including building One Big Bargaining Coalition; Public Ownership of the Railroads, Support for Two Person Crews, Opposition to Precision Scheduled Railroading, and more!



### Railroad Workers United

*Railroad Workers United was organized in April 2008 at a Founding Convention in Dearborn, MI. RWU grew out of decades of struggle within the craft unions for unity, solidarity, and democracy. We are carrying on a tradition of rank & file activity which dates back to the 1890s and the time of Eugene V. Debs.*

*RWU is a cross-craft inter-union caucus of rail labor activists across North America. All rail workers of all crafts from all carriers who support our Statement of Principles are welcome to join in our efforts. Please write, call, or email. See the contact information below.*

### Statement of Principles

- Unity of All Rail Crafts**
- An End to Inter-Union Conflict**
- Rank-and-File Democracy**
- Membership Participation & Action**
- Solidarity Among All Railroaders**
- No to Concessionary Bargaining**

### International Steering Committee

- Chuck Abbate SMART-TD #898b, KEOLIS, Boston, MA
- Gabe Christenson SMART-TD #1043, UP, Sparks, NV
- Nick Wurst SMART-TD #1473, CSX, Framingham, MA
- Jason Doering SMART-TD #1117, UP, Las Vegas, NV
- Ross Grooters BLET #778, UP, Des Moines, IA
- Ron Kaminkow BLET #51, AMTK, Reno, NV
- Paul Lindsey BLET #228, UP, Pocatello, ID
- Hugh Sawyer BLET #316, NS, Atlanta, GA
- Phillip Stevenson SMART-TD #376, CSX, Russel, KY
- Andrew Weir TCRC-LE #240, CN, Sarnia, ON

#### Alternates

- Eric Basir ATU #208, CTA, Chicago, IL
- Matthew Grouix SMART-TD #432, CN, Champaign, IL
- J.P. Johnson SMART-TD #117, Amtrak, Milwaukee, WI
- Ian Kaminski SMART-TD #898, Keolis, Boston, MA
- Tim Miller NCFD #1218, NS, Conway, PA

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- Ed Michael BLET #724/SMART-TD #979, UP - Retired, Salem, IL
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# East Palestine Disaster 10 Years after Lac-Mégantic Tragedy

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20 of its loaded cars were considered Hazmat by the railroad. 10 of those hazmat cars were involved in the 50-car pileup. Of those 10, 5 cars contained Vinyl Chloride, all of which were damaged and/or burned, with one of those leaking by design to relieve explosive pressure. 40% of the weight of NS 32N was grouped at the rear third of the train, which has always been bad practice, exacerbating in-train forces and made even more dangerous with longer, heavier trains.

Railroad workers know in their gut how preventable this was. We know this was the inevitable consequence of deteriorating maintenance of rolling stock & infrastructure, longer & heavier trains, operated by overworked, fatigued, understaffed and in-

sufficiently trained crews, more-with-less, faster than humanly possible etc. - the essence of Precision Scheduled Railroading, the dominant business model over the last several years.

On Capital Hill the derailment spawned a new low in political gamesmanship, with both parties trading barbs, diverting from a serious discussion on rail safety. In fact, both political parties own this, having turned a blind eye at best - aided the carriers at worst - in their relentless quest for profits at any cost.

In contrast, RWU is redoubling our efforts to get the truth out as to why, "This was 100% preventable", and demanding that those responsible be held accountable. The need to nationalize the railroads has just taken on a new urgency (See editorial on Page 7). For more coverage on this see the article on Page 4.

## Rail Workers Need a Comprehensive Rail Safety Bill

*(Editor's note: This was written as a Press Release a few days following the announcement of the Rail Safety Act of 2023)*

Railroad Workers United (RWU) has pushed for safety improvements in the rail industry since our founding in 2008, coincidentally, the same year that the Rail Safety Improvement Act (RSIA of 2008) was signed into law. Fifteen years later, new rail safety legislation has been promulgated that ostensibly is designed to curb some of the rail industry's more dangerous and unregulated aspects.

According to RWU General Secretary Jason Doering, "The RSIA of 2008 brought some improvements to the hours-of-service law and mandated the installation of Positive Train Control (PTC). But unfortunately, so much of what was needed to make the industry safe was left out of the bill, and many of its safety provisions have never been enforced or have simply fallen by the wayside. We do not want to see the shortcomings suffered by the previous law re-enacted with the 2023 proposed law or that of the reactionary Rail Safety Improvement Act of 2014 that was all but introduced in the Senate."

We have a once-in-a-lifetime opportunity to win major safety improvements to the rail industry in the U.S.," proclaims RWU Steering Committee Member Matt Weaver. "While the Railway Safety Act of 2023 has potential, railroad workers are concerned with what is glaringly left out of the bill and what aspects are left to the DOT and FRA to draft, implement, and administer."

While the bill addresses a number of high-priority issues - including restrictions upon train length and weight, train crew staffing minimums, restriction upon movements of hazardous materials, and regulation of wayside detectors - it is silent on questions of:

- 1) Proper training standards for all rail employees;
- 2) Adequate staffing levels for both operating and non-operating crafts that would ensure adequate time off work and mitigate against fatigue;
- 3) Predictable and defined work and rest periods;
- 4) Sick leave provisions that would enhance safety and health on and off the job.

RWU hopes that this Act - if passed into law - can live up to the expectations of railroad workers, trackside communities, environmental activists, and all citizens concerned about safe rail operations. "However," notes Jason Doering, "as currently written, the legislation omits key provisions outlined above. We are

concerned that several aspects, such as the minimum crew staffing and maximum train lengths and weights, are seemingly left to the discretion of the Department of Transportation (DOT) and Federal Railroad Administration (FRA), federal agencies which are often administered and staffed by former rail CEO's and management, and have a history of subverting rail safety, issuing waivers, and all too often serve the rail industry's agenda."

RWU urges all those who want a safer rail industry to push for a stronger bill," states RWU Co-Chair Gabe Christenson. "While the proposed RSA is a step in the right direction, RWU insists upon legislation that unequivocally mandates restrictions upon train length/weight; guarantees a minimum 2-person train crew without the loopholes; mitigates an end to overwork and fatigue by mandating adequate staffing levels for all crafts while providing defined work-rest periods; provides for proper training and instruction for all workers; and that guarantees proper and adequate maintenance and inspection of rail cars and locomotives, track, signals and other infrastructure."

With all eyes focused on the rail industry - given first the national contract battle with the Class One railroads in the Fall of last year and now the horrendous derailment in Ohio - the nation has a unique opportunity to get something done. Private for-profit railroads have proven themselves incapable of self-regulating. "We cannot squander this historic opportunity," states RWU Recording Secretary Nick Wurst. "Citizens and elected representatives of all political persuasions are outraged at the behavior of the nation's big and powerful railroads. They want and demand safe train operations. We can do this!"

Regardless of what legislation or regulatory action comes from all this, ultimately, RWU believes that the rail industry - like all other transportation infrastructure in the U.S. and most all rail infrastructure worldwide - needs to be taken into public ownership. "As long as our vital infrastructure is held hostage to the short-term interests of Wall Street and hedge funds, we will always be on the defensive," claims RWU Co-Chair Ross Grooters. "The Class One railroads have alienated shippers, passengers, workers, consumers, and trackside communities. For the rail industry to serve our supply chain and achieve its incredible potential as the safest, most efficient, and environmentally sensitive form of transportation, it needs to be controlled by the public in conjunction with its workers."



# Analysis

## The East Palestine Wreck Began Before Lac-Mégantic

By Fritz Edler

Railroaders, like everyone else, were aghast watching the unfolding toxic disaster in East Palestine, OH on Feb. 3, 2023, when Norfolk Southern (NS) "general merchandise" train 32N derailed 38 cars in the east end of the town. 11 of those cars were tank cars of hazardous chemicals that ignited into fires that set other equipment and the surrounding area on fire.

**We've seen all this before. If nothing changes, we'll see it again and again.**

For a time, the story dominated the news as it became clear that the deliberate risky policy decisions of NS made the wreck worse.

We've seen all this before. If nothing changes, we'll see it again and again.

### What we know about the wreck of NS 32N and how it fits in history

In some ways NS 32N was business as usual for the era of Precision Scheduled Railroading (PSR). We know it was extra long historically and with much of its weight blocked towards the rear. We know that had already made the train harder than necessary to handle. It is very likely that this historically bad way of blocking the weight of the train made the derailment far more destructive than would have been the case. But it was blocked that way to save money.

We know that the proximate cause of the wreck was a failed axle bearing on the 23<sup>rd</sup> car. The failed bearing was visibly failing from the wayside for at least 20 miles because there is trackside video of the overheating. At least two wayside "hot box" detectors before the critical one just before the train went off the rails had reported overheating of the bearing, but the crew was never notified of the progression because NS policy was not to report such a progression. It is important to note that wayside "hot box" detectors and their criteria are self-regulated and not subject to review by the FRA.

The industry had devoted millions to blocking attempts to use best available technology to make train operations like this safer. There was an ironic moment where the head of the NTSB publicly admonished those who noted that the Trump Administration had removed (and the Biden Administration had refused to reinstate) an extremely narrow regulation that would have required the use of modern Electronically Controlled Pneumatic (ECP) brakes on certain hazardous trains by pointing out that NS 32N wouldn't have met those criteria anyway. In other words, the devastating consequences of the wreck are not considered to be evidence of a truly hazardous train. It is right to ask what exactly would qualify as very hazardous if what happened in East Palestine is not an example.

### What were the ignored lessons of the deadly Lac-Mégantic wreck?

A major cause of the LM wreck was the deliberate decision to run an extra-long, dangerously overweight and overspeed (for the rating of the tank cars) train of one of the most volatile prod-



The aftermath of the preventable Lac-Mégantic derailment and explosion on July 6, 2013. Over 40 buildings were razed. 47 people perished, most of them incinerated alive in the ensuing inferno.

ucts without adequate safeguards of any measure. The US based Rail World Inc. short line operator casually made these decisions because the lower safety standards and shortcuts made them more money. Despite making the decision to run such a train with a single crew member, it never occurred to them that perhaps a plan for the event of a fire might be appropriate. They refused repeated pleas from workers to switch the defective lead locomotive from that position.

Perhaps the most crucial lesson for East Palestine is what the town of Lac-Mégantic faces today in terms of long term toxic consequence. We now have 10 years of experience from LM as to how that will play out.

One of the dangerously under reported results of the Ohio wreck after all the official cleanup will be the legacy toxic chemicals that were created from the burning of vinyl chloride and other cargo chemicals. It's already clear that these sometimes lifetime toxins are in the water and soil in levels vastly about those known to be safe. A scandal in the EP wreck is that neither EPA nor NS planned to track some of these chemicals such as dioxins until weeks after the fact.

### What does 10 years of unlearned lessons mean for North American railroading and what should we do about it?

This summer, July 6, people from around the world will commemorate the deadly and unnecessary tragedy that was brought upon the town of Lac-Mégantic, a town like East Palestine. In the town itself, people from all over will come to show solidarity with those who have lost so much to rail corporate greed and to make sure that what happened is never forgotten. Across the US, groups will also commemorate that event and sadly they will also know that what happened in Lac-Mégantic will be the future for East Palestine and other communities and that none of that is necessary.

In Railroad Workers United, it will be a reason for redoubling the fight for Public Ownership of the rails to ensure that safety and real service that our communities deserve will be part of the safe sustainable transportation future.

Fritz Edler was a long time officer of BLET Division 482 in Washington DC, and an officer of the BLET DC State Legislative Board. He is an RWU Delegate to the Labor Network for Sustainability (LNS) and the Trade Unions for Energy Democracy (TUED). He was Chair of the Harding/LaBrie Defense Committee, that organized international support for the railroaders scapegoated for the tragic Lac-Mégantic oil train wreck.







# Analysis

## Have Long and Heavy Trains Run Their Course?

The North American "Class One" rail carriers continue to run longer and heavier trains each year, and in recent years the trend has accelerated exponentially. They are a hallmark of "Precision Scheduled Railroading", not because they run on schedule (they are far more prone to breakdowns, slower velocities and other delays), nor because they do anything precisely, but simply because in the short run, they are understood to save the railroad money.

But the tradeoff has become more and more clear in recent years and especially in recent months. In terms of average train velocity, these behemoths are monstrosities. The slow the railroad down and provide rotten customer service. They take longer to accelerate, longer to slow and to stop, often cannot achieve maximum posted track speed, they take longer to yard and longer to build. But the big issue is that they are simply unsafe and should be outlawed. Starting with the nightmarish wreck at East Palestine, Ohio in early February (150 cars, 1.8 miles long and weighing in at 18,000 tons), long and heavy trains have been in the spotlight these last few months. Within a month another NS train of 212 cars derailed, also in Ohio. And in late March a Union Pacific ore train of 154 cars and 21,600 tons ran away down a steep mountain grade and crashed in Southern California.

While the Class One rail carriers have a keen interest in operating such long and heavy trains as a way to perceived savings on fuel costs, motive power and labor costs, these overly long and heavy trains create a dangerous and unsafe situation for a number of reasons, including that the longer and heavier the train:

- 1 - the more difficult it is and the more time it takes to slow or to stop such a train;
- 2 - the more slack action is in the train, increasing run-ins and run-outs, increasing buff and draft forces within the train, increasing the potential for break-in-twos, emergency brake applications and derailments;
- 3 - the more severe the train wreck if and when such a train does derail;
- 4 - the more difficult it is for the train crew to safely run, inspect, work, test, and otherwise get such a train over the road.
- 5 - the greater the tendency to make for longer tours-of-duty for train crews, resulting in fatigue, more time at the away-from-home terminal, and a lower quality of work and home life;

- 6 - the more likely the train will experience air brake problems, including the ability to achieve and maintain adequate brake pipe pressure, especially in cold weather;
- 7 - the greater likelihood of blocked road and pedestrian crossings, creating at best an inconvenience to the public and at worst an inability to provide emergency services when needed. These blocked crossing caused by in effect "train" motorists and the public to "run the gates" to avoid being blocked for long periods, resulting in grade crossing accidents and fatalities.
- 8 - the more track capacity is used up, meaning the railroad cannot move more freight efficiently and effectively, limiting the ability of the railroad to grow and expand service.
- 9 - the more delays to Amtrak and other passenger trains as they are incompatible with running on the same tracks as these slow and cumbersome unscheduled trains, that often do not clear at sidings and do not achieve posted track speed limit's.



**March 27, 55 cars and 2 engines of a 154 car, 21,600 ton iron ore train derailed descending a 2.2% grade near Kelso, CA. Preliminary reports suggest that once the dynamic brakes shut down due to a technical malfunction, the air brakes were insufficient to control the train, which then became a runaway. The crew apparently managed to jump**

Somewhere in the middle of all of this mess and destruction, the Rail Safety Act of 2023 was introduced in the U.S. Senate by six Senators, three Democrat and three Republican. Both parties hope to claim the mantle of making the rails safe for workers and communities. Among other things, the bill ostensibly sets out to limit train length and weights, supposedly to prevent these sorts of wrecks from happening, or when they do, to mitigate against the havoc they tend to wreak. But the bill does not mention a single specific limit to length or weight, but rather, leaves that up to the Department of Transportation (DOT) to decide "within a year" of the bill's passage (and who knows which corporate lackey might be in charge of the agency at that time). Who knows what limits will be decided upon by this agency, riddled as it is by rail transportation and other transport managers, and subject to intense lobbying and bullying by the industry over the course of the coming year. And whoever is in charge, and whatever length and weight they determine to be "safe", what the DOT giveth, the DOT can taketh away.

Railroad Workers United urges all rail workers to get involved in this fight. We oppose any expansion of the current length and tonnage of existing trains; and we support a reduction in length and tonnage of already existing trains, especially those hauling hazardous materials, traversing steep grades, and /or that operate in cold temperatures. The time has come for the government to protect rail workers and communities and stop the madness.



**A month after the E. Palestine, OH derailment, 300 miles SE of there, 20 cars of a 212 car NS train derailed. Fortunately nothing hazardous was involved - THIS time.**



# Commentary

## “Every single event that we investigate is preventable...”

NTSB Chairwoman Jennifer Homendy stated that during her preliminary report on the E. Palestine, OH derailment. To me, this was nothing less than a violent assault on the people of E. Palestine. A vicious, egregious crime of willful negligence has been committed and the guilty parties need to be brought to justice.

Needless to say that scenario is not on the horizon. As this issue goes to press, the Department of Justice has just filed suit against the NS, on behalf of the EPA. Personally, I'm not impressed. I don't want to hear about fines, settlements, inconvenience money, as well as the NS committing to do right by E. Palestine and clean up their despicable, toxic mess.

That said, absolutely the people of E. Palestine need to be compensated and made whole, to whatever extent that can even be done. Can the NS develop a miracle cure for the cancers and other health ailments that will inevitably develop disproportionately in that area over the next 10-20 years – if not sooner?

Regardless of however many bazillions of dollars the NS will pay for all of this, that does not equate to justice. Justice will only be served when corporate executives who willfully, knowingly put workers and the public in harm's way go to jail. Short of that, I'll settle for a massive, social justice movement that demands and ultimately succeeds in eliminating the profit motive as the fundamental criteria for railroad operations. See the Editorial on Page 7 for more on that. My ultimate wish list is for both.

Less than a year after the 2013 Lac-Mégantic tragedy, Tom Harding, the engineer and two others – the dispatcher and a mid-level manager - were charged with 47 counts of criminal negligence causing death. These charges had the potential for a life sentence. So the Canadian government clearly considered this to be a serious crime.

Fortunately, the jury was not convinced that Harding and the other two were the guilty parties. Unfortunately, there has never been a serious attempt to go after the real guilty parties. In my opinion, there is a direct link between the fact that no executives of the now defunct Montreal Maine & Atlantic Railway (MM&A) were ever brought to justice and the fact that trains are flying off the rails today at a record pace, wreaking havoc, destruction, ecological disaster with the potential for death in their wake.

Before esteemed author Bruce Campbell published his definitive book titled, “The Lac-Mégantic Rail Disaster: Public Betrayal, Justice Denied”, RWU did a commendable job assembling the facts to the best of our ability, not only in defense of Brother Harding and the government's attempt to scapegoat him, but to simultaneously place the blame and guilt where it belonged.

I have no doubt that if given the opportunity to be the lead prosecutor putting the corporate executives of the MM&A on trial for the 47 counts of criminal negligence causing death, using the facts in Campbell's book to present my case, a conviction would be a slam dunk. The citizens of Lac-Mégantic have long called for a public inquiry. They deserve that, they are entitled to that and the pursuit of justice demands nothing less than that!

I just read one of the best articles titled, “The True Dangers of Long Trains”, in ProPublica – must-read muckraking journalism at its finest. It takes a lot to shock me but some of the revelations in this article did just that. We ran it in our April 11, #15 weekly newsletter. If you didn't read it when it came out, or if you're not yet on our mailing list, please go to our website: [www.railroadworkersunited.org](http://www.railroadworkersunited.org). In the left hand column you'll



Daniel Waldenberger-Bulmer, Andy Dockrell, and Dylan Paradis perished in the 2019 Field, B.C. wreck - another preventable tragedy.

find a link to Archives, then the weekly newsletters. And if you're not already on our mailing list, please sign up.

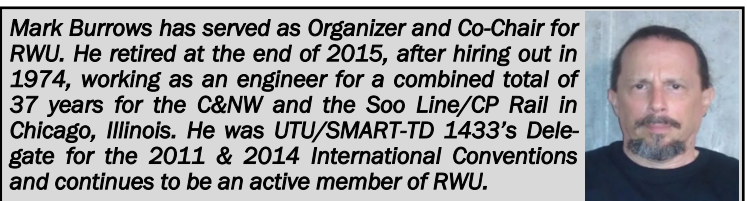
This article exposes the complicity of politicians and regulatory agencies over many years in allowing the carriers to have their way, regardless of the cost to the workers and society in general. Proposals for even the most minimal regulations elicit pathetic whining from the railroads and their enablers in Congress: “We need more studies. We need more data from the experts etc.”

I'm all for due diligence and getting the facts straight. Railroad workers do their due diligence every day on the job. We collect the facts and data from our daily experiences. We are indisputably the “experts” in the field! The politicians who are now shocked to realize that there might be some safety issues in the rail industry have obviously not been reading *The Highball*.

In the past I've written about the 2019 Field wreck on the CP in Canada, where three brothers died when the air brake system on 110 loads of grain couldn't maintain in -20F ambient temperatures on a mountain grade descent. I called out CEO Keith Creel, who, with a straight face and shameless crocodile tears, referred to this preventable tragedy as a learning experience.

When I hired on the CP in 1991, they taught me 1) how air brake systems will be challenged in subzero temps 2) about in-train forces – buff (compressed slack) and draft (stretched slack); 4) the longer and heavier the train, the more challenging it is to control these forces; 5) that if your long, heavy train is blocked with too many loads on the rear and too many empties on the head end - like NS 32N - then may the force be with you.

So in addition to learning all this by experience, they teach us this in theory. *Therefore they KNOW what they are doing - the risks that they are taking! Therefore they are willfully negligent!* Since the current political, economic and judicial system is not going to hold today's railroad robber barons to account and bring them to justice, in spite of the deaths, injuries, destruction and pollution caused by their greed/profit-driven recklessness, then we need to organize to make that happen - whatever form that takes. More than ever, calling all disgruntled rails to join RWU, to help us strengthen our unions to fight to make things right!



Mark Burrows has served as Organizer and Co-Chair for RWU. He retired at the end of 2015, after hiring out in 1974, working as an engineer for a combined total of 37 years for the C&NW and the Soo Line/CP Rail in Chicago, Illinois. He was UTU/SMART-TD 1433's Delegate for the 2011 & 2014 International Conventions and continues to be an active member of RWU.





# Editorial

## It is High Time that North American Railroads be Taken into Public Control/Ownership

In the Spring 2020 issue of this newsletter (see *The Highball*, Volume 12 Number 2 - *Is it Time for U.S. Rail Workers to Consider Railroad Nationalization?*), we suggested that it might possibly be time for railroad workers, and society in general, to consider the prospects of public ownership as a solution to the problems we face on the railroad. If we were not sure at that time three years ago, today we are certain: It is time for the railroads to be taken into public ownership and managed in conjunction with the workers themselves to the benefit of all, not just a handful of wealthy stockholders, hedge funds, and Wall Street elites.

A lot has happened since we penned that Editorial at the outbreak of the pandemic. Precision Scheduled Railroading (PSR) was taking hold on most all of the Class Ones and jobs in all crafts on all major carriers were being decimated. The pandemic would see the rail carriers cynically apply for – and receive from the Federal Railroad Administration (FRA) with multiple extensions – waivers of more than a dozen long-standing federal safety regulations, on the pretext that Covid created labor shortages could put movement of the nation’s freight at risk. This while thousands of freight rail workers were in furlough status due to PSR cuts.

tacks against its workforce due to its own self-inflicted staffing shortages, first in the form of NS working engineers out of craft as conductors, and then in the form of the new BNSF “Hi-Viz” draconian attendance policy. In both instances, rail unions conducted strike votes of their membership but were enjoined from striking by federal judges citing both as “minor” disputes under the Railway Labor Act (RLA).

And all of this was just the warmup. Throughout this time period, the Class One carriers were stone-walling at the bargaining table, insistent upon running trains with a single crew member, offering tiny wage increases, demanding higher insurance co-pays, and refusing the demands of the workforce for better scheduling practices, more time away from the workplace, and paid sick leave.

Late Summer of last year, the carriers made it clear that they had no intention of continuing to bargain once the Presidential Emergency Board (PEB) #250 had made its recommendations. Refusing to give in to not one paid day of sick leave, the big railroads played a game of brinksmanship with the unions and threatened to bring the freight rail system to a standstill rather than fork over sick time to its workforce. Bowing to the immense power of the Class Ones, federal elected reps of all political persuasions then blocked a strike by rail workers, clarifying who actually runs the government in the USA.

Then on February 3<sup>rd</sup>, a rail disaster of major proportion took place in East Palestine, Ohio, and the country was once again focused on the rail industry. The nation would soon learn even more about short staffing, lack of maintenance and maintenance personnel, the half-assed inspections of track and equipment, exhausted workers, and the unsafe conditions, practices, and procedures of the Class One carriers - all the stuff that railroad workers had warned about a few months earlier during the protracted national contract fight.

The citizenry would also learn more about the drawbacks of PSR, the failure to employ electropneumatic (ECP) braking, the record profits of the last 20+ years, the massive stock buybacks, the lack of capital investment, the “fetish of the Operating Ratio (OR)”, the obstacles to Amtrak and passenger rail development and expansion, and perhaps most telling, the decline in freight traffic of the Class Ones - 21% less *carloads moved in 2022 than in 2006!* We would also learn about the long history of hundreds of millions of dollars in donations to politicians, along with the carriers’ efforts to forestall or nix any and every attempt at federal regulation of the industry.

The railroad workers and the citizenry at large are fed up! There is an emerging consensus that something must be done to reign in the big railroads. Unions, community groups, political parties, environmental activists and rail advocacy groups are coming together to demand a solution, one that has been in hibernation for decades – public ownership of the railroads. It has been more than 100 years since “The Plumb Plan” advocated for government and worker control of the rail industry. Endorsed by every single rail union at the time, along with the American Federation of Labor, the idea had the support of the vast majority of working railroaders. RWU urges every railroad worker and every citizen to study that effort, and to understand the logic, practicality, utility and democracy that such a plan entails. Voice your support for public ownership of the railroads, and bring the idea to your organization today!



**BNSF members of BLET & SMART-TD, and supporters, demand respect and quality of life on & off the job at Berkshire Hathaway annual shareholder meeting in Omaha, NE in April 2022.**

We have seen a decline in safety as the numbers of accidents and derailments has climbed - this in spite of the fact that there are now 30% fewer workers to be hurt on the job, there are less trains plying the rails to derail, and less freight is being moved. To add insult to injury, the rail carriers launched a series of at-



Just in time for Spring and Summer, we've restocked our popular ball caps in Black (shown at right) and Tan. Show the bosses, union officials and your co-workers where you stand. The hats and other merchandise are available at the:

## **RWU Online Store**

**[www.railworkersunited.storenvy.com](http://www.railworkersunited.storenvy.com)**

Or order by mail with a check or money order to:

**Railroad Workers United  
P.O. Box 221191  
Chicago, IL. 60622**



### **Join Railroad Workers United Today!**

Visit our website: [railroadworkersunited.org](http://railroadworkersunited.org) and click the link to JOIN RWU

When you join RWU, you unite with a growing network of railroaders who strive to build unity, democracy and solidarity among the railroad workers of North America. Specifically, when you join here's some of what you get:

- Your personal RWU membership card.
- Various lapel and bumper stickers (see below).
- The RWU newsletter mailed to you each issue.
- Discounts up to 25% on most RWU merchandise.
- Free (or discounted) bundles of the newsletter to distribute.
- Meeting Minutes from each Steering Committee meeting.
- The right to attend the RWU Biennial Convention.
- Most importantly, you will become part of a network of like-minded rail roaders who are working to make a difference. For advice, encouragement, ideas, and support to assist you in your day-to-day struggles on the railroad, there is no finer network today to be a part of than Railroad Workers United!

*"Privately owned industry and production for individual profit are no longer compatible with social progress and have ceased to work out to humane and civilized ends."*

**Eugene V Debs, Founder of the American Railway Union**

## **'Lac-Mégantic: This Is Not an Accident'**

New Docuseries from Oscar Nominee Philippe Falardeau

Academy Award-nominated director Philippe Falardeau ("Monsieur Lazhar," "My Salinger Year") will present his documentary series "Lac-Mégantic: This Is Not an Accident" at Canneseries as its world premiere, followed by its North American premiere at Hot Docs as part of the Deep Dive category. The four-part series investigates this horrific tragedy, through the lens of those most directly impacted.

"Unfortunately Lac-Mégantic is not an isolated event. Even though this tragedy shocked the world and prompted widespread calls for greater safety measures, current events show that little has been done to avoid these types of transportation disasters. Our series is a call to action to bring much needed attention and change, in honor of all of those who lost their lives", said Falardeau.

Following its festival premieres, the French language version of the series begins streaming May 2 on VRAI, with other broadcast announcements to follow.



*Family and friends of the victims, along with survivors of the Lac-Mégantic tragedy, gather to share their stories for the docuseries, "Lac-Mégantic: This Is Not an Accident." "It was extremely important to me to give a voice and a face to the people of Lac-Mégantic, who not only suffered a massive tragedy, but have been reliving the trauma over the past 10 years as the powers-that-be continue to make negligent decisions that affect their everyday lives," said Falardeau. RWU members will be joining rail safety and community activists, including a contingent from Lac-Mégantic, for the North American premiere in Toronto on Apr. 29. A capacity crowd of 250+ is expected and RWU will participate in the Q & A period.*