



# The Highball

Official Publication of  
Railroad Workers United

## UAW Points the Way Forward for Labor Resistance



L-R: UAW members on strike at the General Motors Lansing Delta Plant picket in Delta Township, Michigan. "When we fight we win", has become a popular slogan and the UAW strike against the Big 3 validates that.; Teamsters at UPS conducting picket line "drills" days before their contract expired this past Summer. UPS granted concessions to avoid a strike.; SMART-TD railroad workers expressing themselves as the clock winds down towards a possible strike in 2022, before Labor's "best friend" President Biden and Congress intervened and imposed a bogus deal.

At the end of this year, the contracts between the National Carriers Conference Committee and the rail unions under the national freight agreement will expire. It is expected that both parties will begin the formalities of negotiations by exchanging Section 6 notices around November.

If railroad workers were isolated in our own little world, one could not fault us for feeling less than enthusiastic - if not outright demoralized - going into the next round of negotiations, given how the last round played out.

But we are a significant part of the working class, even if our barbaric working conditions do in fact make many of us feel isolated from our class, much less our families and friends. That's why it's essential that railroad workers take note of ongoing developments within our class. Even if recent events may not have any immediate impact on our situation, there may be valuable lessons to assess that we can factor into our own equations moving forward. See the Editorial, "A Recipe for Victory in the Upcoming Round of National Freight Bargaining," on Page 5.

2023 has been dubbed the "Year of the Strike." There were well over 300 work stoppages involving close to 500,000 workers, a 900 percent increase from just a few years earlier. Machinists, teachers, baristas, nurses, hotel housekeepers, actors, screenwriters, and autoworkers, went on strike and won. Their historic gains underscore the momentum of a rising reform movement in U.S. unions. The year's highlights were the resistance at United Parcel Service (UPS) and the Big 3 automakers.

At UPS the 340,000 workers represented by the Teamsters extracted significant concessions from the bosses with just the mere threat of a strike. The rank & file organizing and mobilizing rallies and practice pickets were enough to convince UPS that

the union was not bluffing and was ready for strike action.

In contrast, the Big 3 automakers challenged the United Auto-workers (UAW). On Sept. 15 the strike began at a few targeted plants. Over the next 46 days 50,000 workers out of 146,000, would eventually walk off the job as the "Stand-Up Strike" gradually expanded to more plants. The most important conquests include a 25% raise over 4.5 years and significantly closing the gap in the various tier structures. The new contracts are a sharp about-face from decades of concessions.

Before the ink was even dry on the new contracts, the UAW embarked on a serious campaign to organize the numerous non-union assembly plants. (Perhaps the rail union leaders might follow this example in relation to the numerous non-union short-lines and regionals?) In fear of this imminent organizing campaign several non-union plants instantly bumped up their wages to try to head this effort off. Let that be a lesson that the bosses' disdain for unions is about much more than just hourly wages.

The contracts at the Big 3 are strategically set to expire on May 1, 2028. The UAW wants others in the labor movement to align their own expirations for that date, setting up a battle with some of the country's biggest corporations, four-and-a-half years away.

Brother Fain recently told *In These Times*, "If I could have a dream scenario, it would be that all of organized labor maps their expiration dates to May 1. May Day was born out of an intense struggle by workers in the United States to win an eight-hour day. That's a struggle that's just as relevant today as it was in 1889," when the international labor movement began holding yearly demonstrations for an eight-hour day to commemorate the Haymarket martyrs who lost their lives for their role in big Chicago protests for a shorter workday a few years earlier.

We could sure use a few more union leaders like Brother Fain.



# Join Us for the 9th Biennial RWU Convention April 18-19

Railroad Workers United will conduct our 9th Biennial Convention Thursday, April 18th - Friday, April 19th, 2024 in the "Railroad Capitol of the World" - Chicago, Illinois. Please join us as we chart the course for the organization in the coming years and celebrate 16 years of Rank & File Action!

All members in good standing are encouraged to register and attend. We will discuss and debate resolutions, adopt bylaws changes, hear reports, and elect a new Steering Committee. In addition, we will conduct a series of workshops and presentations on issues of concern to railroad workers starting Thursday and continuing through Friday, including but not limited to:

Coordinated Bargaining of All Rail Unions; the Struggle Against Single Person Crews; the Fight Against Precision Scheduled Railroading and Long & Heavy Trains; Envisioning a Robust and Green Railroad Future; Using the RLA to our Advantage; Railroads in the Public Interest; Building Effective Internal Union Caucuses, and more.

Note: RWU urges all members to attend both the RWU Convention and the big Labor Notes conference that immediately follows over that weekend in the same hotel/convention center. RWU will be participating in some of the workshops and presentations there.

## Calling Any and All Whistleblowers

As railroaders, we work in an industry that, in theory, can be the single best way to move people and key goods across the vast North American continent. Yet every day we go to work, we see first-hand the reasons why the reality of railroading falls far short.

The consequences of corporate mismanagement of the railroads can be small, from a slightly delayed passenger train, a freight car misrouted to the wrong yard, or a single set of wheels derailed. They can also be massive, like a network breakdown that threatens to trigger a recession due to the delays in delivering key goods. The worst case scenarios are incidents that result in injuries and/or fatalities to workers and/or the public.

The railroads love to keep operations opaque to the general public, either with confusing industry jargon, backroom relations with federal regulators, and/or - most importantly - with rules preventing railroaders from talking about operations with the public.

However, it's crucial that railroad workers can speak freely and openly about dysfunctionality at best - unsafe operations at worst. The more of us who speak out about dishonest and/or

dangerous practices, the better chance we have of bringing real pressure to bear on these massive corporations in order to push for safe operations and rational, efficient service.

Over the last year+ ProPublica has published several scathing exposes in a series titled, "Train Country: Investigating Railroad Safety in America." (For more info go to [www.propublica.org/series/train-country](http://www.propublica.org/series/train-country).) One of the articles titled, "Union Pacific Fired Him Rather Than Heed His Warnings of Dangerous Rail Conditions," exposed to the public what all railroaders learn from day 1 - "If the company wants to get you, then they will."

RWU feels the time is long overdue to push back aggressively and publicly on this narrative. With the general public more aware of and concerned about the industry, and with contract negotiations around the corner, now's as good a time as any.

If you have a story that you feel needs to come to light, and/or you have been targeted by the railroad, please contact RWU. We want to work with you to find the best, safest way for your story to be told, and how it can be utilized in our fight for quality of life on and off the job, as well as safety for workers and the public.

### 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
- 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
- Tim Sloper SMART-TD #768, NS, Decatur, IL
- Hugh Sawyer BLET #316, NS, Atlanta, GA
- Matt Weaver BMWED #2624, CSX, Toledo, OH
- Andrew Weir TCRC-LE #240, CN, Sarnia, ON
- Nick Wurst SMART-TD #1473, CSX, Framingham, MA

#### 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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# Commentary

## La Coalition Rail Safety Campaign Travels to Washington D.C.

La Coalition's Rail Safety Campaign works to protect people, air, water, and land from the negative impacts of hazardous substances transported by rail. La Coalition engages legislators, and is an official campaign of the Woods & Wetlands Group, Sierra Club - IL Chapter.

By Gerri Songer

Think twice about the questions you ask yourself – they just might completely change the course of your life! May of 2014, I wondered what trains passing my home were carrying. I moved to Hawthorn Woods, IL the summer of 2000, at which time only one or two trains passed by each day. Fourteen years later, there were more than 20 trains - over a mile long - rolling beside my backyard. I asked myself what seemed to be a simple question, "Why?"

What I learned was no surprise to railroaders; you've been fighting dangerous and unfair working conditions for decades, which is unacceptable. Railroad workers' safety is also the public's safety. This realization led me down the path of grassroots organizing through an environmental organization, the Sierra Club. Unlike traditional "Keep-It-In-The-Ground" campaigns, we want to focus on what the public and railroad workers can both agree upon, reducing associated risks of transporting hazmat cargo. It's my hope that with the public standing in support of our railroader workers, elected officials will finally take note.

Last November, La Coalition Rail Safety Campaign members met with legislators in D.C., asking them to work with federal agencies in addressing the national issue of school safety in preparation for emergency response and evacuation planning specific to hazmat incidents and to collaborate with labor unions in making trains safe.

Rail Safety Campaign members came from as far as Texas to meet face-to-face with legislators about their concern for rail safety and the parents' right to know if their child attends school where they could be negatively impacted by a rail-related hazmat incident such as school children in East Palestine, and those over the border in Pennsylvania, after five tankers filled with vinyl chloride were released and burned in an iconic plume of smoke, releasing phosgene gas into their air, water, and soil - a chemical warfare weapon so deadly it was banned after WWI. Several of these unprepared schools are now litigating Norfolk Southern for their negligence related to this catastrophe.

Gloria Charland (IL) said, "I was impressed at the knowledge some Congressional staff members had on the issue and appalled at the lack of information possessed by other Congressional staff. More work needs to be done!" Sarah Zarling (WI) adds, "We have a strong team and accomplished a lot in a short amount of time. We are always looking ahead to further our progress and the important work to be done."

Well over 5.7M school children attending 14,800 schools nationwide can be harmed by hazmat-related incidents specific to the rail transport of hazardous cargo. Chicago alone, has 77,000 kids at risk. Appallingly, despite the public's Right to Know mandated by Title III of SARA legislation (Superfund Amendments and Reauthorization Act of 1986), most parents have no idea their children's health and safety is threatened.

Emergency response is sorely underfunded and understaffed. Only three paid staff work at the Lake County, IL Local Emergency Planning Committee (LEPC). The director of McHenry County's



L-R Front: Mikayla Kucia (IL), Chantel Jenrette (IL), IL Congressman Bill Foster, Sarah Zarling (WI), and Alondra Velazquez (IL). L-R Rear: Kreschendalyn Elley Backus (TX), Nicole Saulsberry (IL), Fritz Adler (D.C.), Gerri Songer (IL), Gloria Charland (IL)

LEPC estimated it would take eight paid staff a minimum of two years to identify and plan a four-corner - N, S, E, W - evacuation for each school in his county, since evacuation literally depends upon which way the wind blows. Some states only have one LEPC for the entire state! Even worse, our firefighters depend more and more on volunteers to fight the atomic bomb-sized infernos that can burn up to four days.

Kreschendalyn Backus (TX) reflects, "It was exhilarating to be on sacred ground, knowing this is where change can happen. I had a hand in making it happen! I can only pray that the people who work in those buildings every day feel the same."

Ten years following my one-syllable inquiry, we've accessed Grassroots Network Funding to help with our website, social media and public education events. We've written legislation that was adopted by the IL Senate, and we've traveled to Lac-Mégantic in Quebec, Canada to participate in their Tenth Anniversary Memorial March activities. We also received acknowledgement for our work in the four-part documentary series, "Lac-Mégantic: This Is Not an Accident."

Lac-Mégantic was the catastrophe that sparked my activism. I will never forget the eyes of the two beautiful little girls who were, in my opinion, victims of corporate manslaughter per criminal negligence. Because of them, I couldn't walk away from what I had learned. Lac-Mégantic was 100% preventable, and is the single event that most perfectly illustrates the true depth and consequences of corporate greed and regulatory failure.

Ten years following the Lac-Mégantic incident, I was blessed to meet many residents and victims face-to-face during their Memorial March. I have the utmost respect for their efforts in trying to teach others the lessons they've learned from their tragedy.

Yes, we've broken some ground, but this fight isn't about us or our campaign - it's about you, the railroader. Our fight is your fight, and we hope to keep our channels of communication and understanding open until elected officials finally do what's right - place people before private profits.

We hear you, we care about you, and we stand with you in support. I pray one day we finally do what we were put on this earth to do - care for each other as we would ourselves.

Ms. Songer served over 30 years as an educator in IL. and was Legislative Director for the Northwest Suburban Teachers' Union, Local 1211 - IFT/AFT. She's traveled the state as a speaker for Sierra Club, is a co-leader of La Coalition Rail Safety Campaign and a Solidarity Member of RWU.



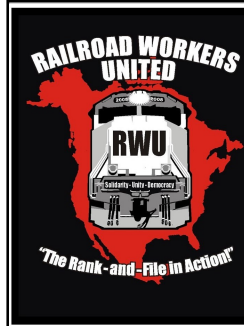


# Commentary

## Public Ownership of Railroads: Good Policy, and a Good Fight

Every time railroaders get a chance to talk to people about public ownership of railroads (PRO), the facts are on our side. It's not that hard to show that public ownership results in better service and safer railroads.

Not just safer for railroad workers, but also safer conditions for every trackside community at risk of dangerous crashes and toxic spills. Add in the fact that the hedge fund profiteers who control railroad decisions today try to squeeze every dime they can out of the railroads - safety and service be damned. Publicly owned railroads don't function that way.



### What Do We Get from Fighting for Public Rail Ownership (PRO)?

The time is right for talking about this. The last years of Precision Scheduled Railroading, experimental technical disruptors, risky staffing practices, and reduced service have convinced many, who previously would never have considered the solution. At the same time, the first response usually is something along the lines of "Yeah, that's what we need, but that will never happen here"

**The question of who decides is posed for us every day. The word for this is *power*. Who has it and who doesn't.**

The fact is that versions of PRO have, in fact, saved rail operations in North America more than once. But a very important thing for advocates to understand is that the FIGHT for PRO itself is something that gets us results immediately when we take it up.

There is nothing inherently dangerous about a train. What is done with it and who decides is the critical determining factor. The question of who decides is posed for us every day. The word for this is *power*. Who has it and who doesn't. Even the question of who can be trusted to do the right thing.

It is a popular misconception, especially with the non-railroader public, to consider that corporate execs wouldn't be in their positions if they didn't know how to run trains. Certainly, the regulators and politicians start with that idea. But what all of us know from experience on the job is that few of them do. That's why it's so essential that there is a public interest stake, including the experience and skill of actual rail workers.

Especially in this era, board members are selected for their ability to financialize and budget line-item everything and make the mission of a railroad corporation not about transportation, but about profit by any means. Demonstrably few of them actually know anything about turning a wheel on a train, but discount that as something they pay and train as little for as possible. That lack of knowledge and disdain for those who actually understand trains brings us to the present situation.

If you join in the conversation for PRO, more and more will say to you up front that it's a great and better idea, but not something

that can be achieved in the short term. The history of our industry says different. But even if it were true, would that be a reason to concede to the industry spoilers who have no intention of running railroads safely or in the public interest? The answer is that the fight for PRO itself makes us all better and stronger.

When we talk to our co-workers, safety advocates, and our neighbors who want safer and greener trains about PRO, we immediately get an advantage. This advantage comes whether or not there is a near-term change in our national policy. The very fact of having those discussions helps focus our possible allies on the source of the problems. It puts people in a position to understand in the same room. Each of these conversations refines what we and they understand.

It is also the kind of conversation that can be had with people who usually aren't considered as friends of railroad workers. Small business owners, farmers and shippers are all in need of railroad policies that serve beyond the hedge funds - policies that are about maximizing safe quality on-time rail services for all of the people who live here. Railroaders already know from their own experience how to do that. It's just that better ideas about service and safety, are opposed at all costs by the financialists and mis-managers.

Winning people over to the idea that it's essential to run trains in the public interest and building the necessary political power will take time. But that is no excuse to standby while the industry, that once contributed to building a prosperous nation, that gave some working people a chance to prosper, now ruthlessly abuses the workforce, endangers trackside communities and plays chicken with the economy. That this just and necessary struggle will be a formidable challenge can't be a valid reason to let the hedge fund wreckers have their way.

Our forebears knew how to organize and build power. This generation has the choice whether to continue making concessions just to run fewer, longer, heavier and more dangerous trains for less money vs. fighting for PRO. Building a successful and powerful response cannot be left to others. Being part of the campaign in our Unions and in our communities today makes us better, more powerful and more relevant in every measurable way. It also is what leaders do.

*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.*







## Editorial

# *A Recipe for Victory in the Upcoming Round of National Freight Bargaining*

As railroad workers and their unions gear up for national freight contract bargaining with the Class One carriers once again - slated to commence this Fall - we have a lot to learn from some recent union struggles and victories in other industries over the course of the last year. Two of note are the struggles of Teamsters at United Parcel Service (UPS) and the United Auto Workers (UAW) at the Big Three automakers (see article on Page 1).

Both of these groups of workers enjoy certain advantages that we as railroad workers unfortunately do not. Both unions, by their constitutions, have a one-member-one-vote system for electing the top officers of the union, while only just two of twelve rail unions can boast this system. This democratic structure assists in building a more member-oriented, militant union that is more likely to fight hard to win good contracts, being as the leadership is more accountable to the rank & file.

The other advantage that these two unions have that rail workers lack is a workforce that is represented by a single organization, whereas railroad workers are scattered amongst a dozen or more fragmented organizations.

Finally, Auto Workers and Teamsters are not encumbered by the Railway Labor Act (RLA), while railroad workers are. Under the National Labor Relations Act (NLRA) which governs the former, contracts expire and unions have the right to refuse to work as of the contract expiration date, providing them with a certain leverage that rail workers lack. Whereas the RLA mandates that contracts go on in perpetuity, and mandates a tangled web of hurdles that rail workers must surmount before so-called "self-help" (strike action) is legally allowed.

Nevertheless, the situation is not hopeless, as railroad workers have the ability to overcome these obstacles to a greater or lesser extent. Railroad Workers United has some advice:

1) On the question of internal union democracy, RWU urges all railroad workers to push for direct elections of officers at all levels of your union. One of the just two rail unions - the Brotherhood of Locomotive Engineers & Trainmen (BLET) - historically elected top officers at the national convention just like the majority of other rail unions. However, less than a generation ago, a rank & file movement of railroad workers within the BLET - supported by RWU and its predecessor Railroad Operating Crafts United (ROCU) - was able to amend the union's Bylaws and win a one-member-one-vote election system. It was - and is - a huge struggle, but railroad workers in other rail craft unions can do the same thing. Rails are encouraged to reach out to RWU with your questions and/or suggestions. We can provide guidance and other assistance to support your efforts.

2) On the question of being hamstrung by the RLA, the Act in no way prohibits or restricts members from taking action such as informational pickets, "practice strikes", mass meetings, rallies and demonstrations, wearing union shirts, buttons, arm bands and the like, or a host of other actions that workers can take to show determination and solidarity as we enter and proceed through the bargaining process.

Much of the mobilization that both the UAW and Teamsters underwent are basic trade union tactics that railroad workers can make full use of to build our strength, solidarity, and power in order to win a good contract. Last and not least, on the question of the lack of a single industrial union in rail, RWU believes that this is a crucial, but not insurmountable impediment to our ability to win a good contract.

Since our founding convention in 2008 we have been unwavering in our support for a single, universal bargaining coalition of all rail labor at every level of contract negotiations. When RWU was first launched in 2008, the unions - for the most part - tended to bargain separately, and had a shameful history of backstabbing and selling each other out at the bargaining table. Over the last 15 years or so, while the situation has improved with unions bargaining more and more as a group, the One Big Bargaining Coalition envisioned by RWU has remained elusive to the conservative and parochial craft union officials.

And as we unfortunately bore witness to in the last round of bargaining that came to a head at the close of Summer 2022, the coalition completely collapsed upon the announced recommendations of Presidential Emergency Board (PEB) #250. Within days of the PEB's announcement, three unions unilaterally broke ranks and settled for a tentative agreement that was based strictly upon the PEB recommendations. There was no consultation with the other unions and crafts. This largely set the tone whereby it was then "every man for himself." Railroad workers were aghast and disgusted at the actions of these union officials, were admonished by their own union officials' scoldings, proclaiming that every union in the coalition in fact had the autonomy to go its own way, making it crystal clear that the coalition was in effect relatively worthless when push came to shove.

What we need in this round of bargaining - in addition to the long sought after universal coalition of all rail unions - is an ironclad agreement and understanding between the parties that **no union settles until all unions are ready to settle**. We must abide by the old union watchword, "An injury to one is an injury to all!"

Had we such a pact in 2022, the fiasco that played out before the nation would certainly have been quite different. Had railroad workers been united under a bulletproof coalition, politicians and corporations would have found it far more difficult to bully and have their way with us. Let's not repeat the mistakes of this last round of bargaining going forward.

Demand that your union and its leadership stick together with the rest of rail labor! Demand that each have one another's backs. At the end of the day, this is what a union really is - workers in the same industry, across that industry standing in solidarity for the betterment of all. We must insist that the rail craft unions stick together, and that rather than acting like a dozen separate clubs, start acting like a union! Though divided into 12 different unions we can function as **one united entity** today, if the rank & file puts enough pressure on their respective leaders.

As dues paying union members this is not too much to ask. Failure to carry out this historically important task by the craft union leadership in this upcoming round of bargaining is nothing short of a betrayal of their respective memberships' interests. RWU says enough! If the rail union chiefs cannot consummate such a coalition, then perhaps it is time for a new railroad workers union - one predicated upon the lines of other industrial unions in auto, steel, and other basic industries - where all workers in the industry are united in a single powerful union.

*Want to join the effort? RWU encourages all railroad workers - especially those who are party to the master freight agreement - to get involved in our Campaign for a Universal Bargaining Coalition. Check out the RWU website and find more information and how to take part under the "Campaigns" tab.*



# Commentary

## 5 Years After the Deadly Field Hill Wreck - No Justice; No Accountability!

Canadian Pacific was warned about the very real hazards. With typical corporate arrogance they ignored those warnings and three Brothers suffered a needless, horrifying, violent death.

*Editor's Note: Less than a year after the train wreck in East Palestine, OH, the Government and Norfolk Southern are telling everyone to move on. There is little hope for the Rail Safety Bill that was promised. That wreck was preventable, but we are even further away from addressing the systemic dangers to railroad workers and the communities where railroads operate.*

*Over the last several years railroad worker on-the-job fatalities have averaged approximately 10-20 per year. All of these incidents are tragic and preventable, and they anger and sadden us all. The reason we highlight an incident like the Field Hill wreck is that the circumstances are so egregious, both before the incident, as well as after.*

*Any railroader who works in Winter conditions knows how extreme cold can impact the air system, which was a contributing factor. Management knew as well. While the official, designated agencies have yet to file any charges, RWU will continue to try the railroad bosses in the court of public opinion.*

*Railroading from the beginning has been unnecessarily dangerous because owners demand lower standards for higher returns. As a matter of policy they seek to shift the costs of operations onto employees and others. CP Rail (now CPKCS) now ups the ante, operating as a sovereign nation in three countries. They use their private police force to exonerate their managers. They use their power to capture regulators. It allows them to abandon best practices and shift the burden of safe operations onto overextended employees.*

*The Field wreck stands out as a bold example of what's wrong, dangerous and unaddressed in North American railroading. Every railroader needs to educate themselves about why these problems are not isolated events. Systemic dangers require systemic fixes.*

*Mark Bretherton was the CP Rail engineer who identified and called out the dangers a month before the fatal wreck. His story is the story of greed, disregard and incompetence at the highest corporate level and regulatory failure. We all accept this state of affairs at our peril.*

RWU's Fritz Edler interviews Whistleblower Mark Bretherton.

**Q: Feb 4 is the 5<sup>th</sup> anniversary of the Field Hill wreck. Catch us up. Where do things stand? Has there been any real accountability or justice for the families?**

Frankly, to date, there has been zero accountability. The Transportation Safety Board (TSB) in its investigation, after much reluctance, skewered Canadian Pacific (CP) for "normalizing" hazards, identifying many instances of egregious omissions. CP naturally denied all allegations and recommendations were never enforced. That's where accountability stopped. The Royal Canadian Mounted Police (RCMP) are conducting a criminal investigation, three years old now, with little sign of progress. An inquest is yet to be convened. In the meantime, the families and survivors have suffered appallingly for the lack of resolution.

**Q: Wrecks happen on the railroad too often. Why is the Field BC Canada wreck so important?**

The rapid fire Field Hill wrecks of 2019 were the proverbial perfect storm where corporate negligence meets the laws of physics. The significance is immense and yet to be fully understood

It is the inevitable product of a business model where executives are bringing a particularly cold blooded capitalism to Canada. They get away with it.

Field Hill is the controlling grade west of Calgary. It is a 13 mile descent at an average of 2.2 percent grade. To CP, the Rocky Mountains are a flat, desolate plain perfect for ever more massive trains with little risk assessment. Lax maintenance and incompetence in procedural obligations make it yet worse. No train, regardless of length or tonnage, could ever negotiate the hill risk free on the best of days.

**Q: When we say you are a whistleblower, how did you raise the safety concerns about CP's operations in a way that would have prevented the wreck?**

As a regular employee and union representative, I have always advocated for safety improvements for decades prior to this tragedy. I've seen safety related issues in the workplace getting worse and more frequent. It had to be called out.

The truth is that when I blew the whistle it was already too late. We all knew that we operated on borrowed time before an incident killed someone. I was unable to prevent the tragedy because no one was listening to me as my Jan 3 event proved. *(Editor's Note: This incident involved a long, improperly marshalled train that developed air problems in arctic conditions. He implored his supervisors that the train was too dangerous to descend the hill. The crew that relieved him subsequently derailed 27 cars but no one was hurt - THIS time.)* I told the TSB in great detail but no action was taken. The subsequent fatalities could have been prevented had action been taken. It took 4.5 years to publish the Jan 3 report, which had the effect of separating and covering up both Jan 3 and Feb 4 incidents to obscure the obvious and ominous commonalities.

**Q: Talk about some of the systemic risky policy matters on N. American rails that tie events like the toxic East Palestine wreck and the deadly Lac-Mégantic wreck with what happened on the Field Hill?**

The risk begins and ends with Precision Scheduled Railroading (PSR). It is an unholy liturgy that promotes profit over people. It requires the stripping down of all reasonable standards of safety, service and employment. Exhausted crews are operating mechanically dodgy trains over subpar track right through your communities.

These factors were present in all disasters involving PSR since Lac Mégantic, including East Palestine, and the Field Hill. The public is starting to wake up to the urgency of rail safety through organizations like RWU and affiliates such as the Sierra Club, while safety is hobbled by "regulatory capture" - the process where industry dictates to regulator how it demands to conduct business. I have seen how Transport Canada (TC) defers to the rail industry too many times. Suffice to say it is appalling and lethally dangerous, especially given the deliberate irresponsibility which should be criminalized. But, who enforces against the enforcers.

**Q: Marshalling of the train was a big and misunderstood part of the East Palestine wreck. Was it part of the Field wreck as well? What about longer and heavier trains?**





# Commentary

## 5 Years After the Deadly Field Hill Wreck - No Justice; No Accountability!

The wreck of January 3, 2019 was caused principally by culpable mis-marshalling, done for the expedience of "destination blocking" instead of best practice blocking by weight. I raised the alarm many times but was ignored. The TSB report initially glossed over the marshalling aspects, referring to less blameworthy factors until forced to reconsider.

East Palestine had a similar theme. Heavy blame was placed upon overheated wheel bearings. But there is no question that the same mis-marshalling discounting weight made that toxic wreck much worse than it had to be.

The Feb 4 Field Hill tragedy was a bulk or unit train where all cars were loaded of a similar tonnage. The marshalling issue came in the distribution of locomotives throughout the train, a 1:1:1 configuration where engines were on the head end, middle, and tail. This likely led to a dangerous reduction in dynamic braking ability which could have been used to better control train speed. This configuration is now prohibited.

Longer and heavier trains are now the norm. Little or no risk assessment or crew training is applied to this new reality. We operate on a wing and a prayer, taking these monsters down grades unprepared. Arctic weather only exacerbates the risks. The railway relies on the professionalism and expertise of crews and crucifies them if things go wrong. The irony is that we are so professional and expert that things rarely go terribly wrong. The bosses take credit as if their policies were safe.

**Q: How have CPKCS and the captured regulators avoided responsibility so far?**

The TSB identified many culpable deficiencies in both events but TC refuses to lay charges. The TSB has identified criminality which TC and the RCMP respectively ignore or fail to investigate, leaving perpetrators in place and still dangerous to everyone around. It also means that grave risks remain unmitigated.

**Q: CPKCS has its own private police force that they used to take charge of the Field wreck investigation and to exonerate their own employees. Talk a bit about that. What about the RCMP?**

A former CP police constable, Mark Tataryn, now RCMP, opened

a can of worms when he was a leading investigator into the Field Hill tragedy. He indicated publicly that he was told to end his inquiries after only a month, find evidence to implicate the crew, had files and evidence go repeatedly missing, and was eventually disciplined, apparently for non-compliance with these demands.

**Q: RWU is campaigning with others around the continent to fight for public ownership of the Class 1 railroads in North America. How would you say that is relevant to the Field wreck?**

Public rail ownership (PRO) is vital to the integrity of the railway in North America where corporate attitudes cannot be trusted to provide accountability. In Britain, after a century of excess and destruction, railway companies were amalgamated into British Rail. There is a prominent precedent and it worked just fine for generations.

Could PRO have prevented Field Hill? I think it would as long as the safety aspects were regarded as more important than productivity. Certainly, accountability in a public sector industry would be easier.

*No one knows the whole story of Field Hill better than Mark Bretherton. He is featured in the second half of the new and award winning documentary, "Lac-Mégantic: This Was Not an Accident", that will soon be released across the US.*

*Yet while he has always been available to the captive regulators, CPKCS has paid no meaningful consequence, admits no wrong and assumes no accountability. This is even after a public outcry forced a late review by the RCMP after 5 years with no result. Every railroader knows from their own experience that the only liability that railroads understand is real financial responsibility, in lieu of legal consequences, for their practices.*

*On Feb. 4, 2024, we should all take the time to remember our brothers whose lives were forfeited for literally no reason except incompetence and greed. As a common expression today states, "No one is coming to save us. It's up to us". If we don't remember and call for justice, no one else will. If we do, others will too. WE MUST NEVER FORGET WHEN THEY KILL US!*

## Never Forget - A Tribute to the CP3



L-R: Engineer Andrew Dockrell; Conductor Dylan Paradis; Trainee Daniel Waldenberger-Bulmer

Andrew, Dylan and Daniel all had family and friends, whose lives they were ripped out from in a flash. The daily indignities the rail bosses subject us to are bad enough, but when lives are cut short, needlessly, in their insatiable quest for profits, it is just wrong, immoral and evil.

Nothing significant has changed after 47 lives were lost in Lac-Mégantic, the Field Hill tragedy, other work-related fatalities, as well as the criminal poisoning of the residents of East Palestine, OH. An incident like any of these can happen again, anytime, anywhere.

It's important that we never forget, and in the immortal words of Labor leader Mother Jones, "Pray for the dead and fight like hell for the living."



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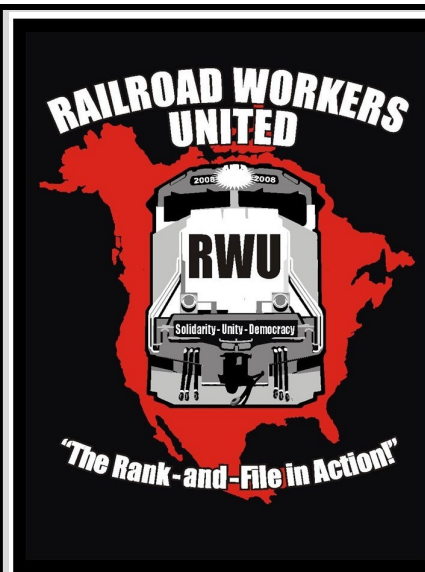
A. Philip Randolph, President of Sleeping Car Porters Union

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- Most importantly, you will become part of a network of like-minded railroaders 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!



**No More Lac-Mégantics!  
No More East Palestines!  
We Demand Safe Railroads!  
Public Ownership of the  
Railroads Now!**