“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. In the left hand column you’ll 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 CN 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.