



Railroad Workers United

Solidarity • Unity • Democracy

The Rank & File in Action!

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August 25, 2022

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The Honorable Cynthia T. Brown - Chief, Section of Administration
Office of Proceedings
Surface Transportation Board
Washington, DC 20423-0001

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ENTERED
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September 23, 2022
Part of
Public Record

FD_36500 : Canadian Pacific Ry. – Control – Kansas City Southern

Railroad Workers United (RWU) is a cross-craft organization of all railroad workers from all carriers and all unions in North America. We were founded in 2008 upon the principles of Solidarity, Unity, and Democracy. We fight on many fronts on behalf of railroad workers including workplace safety conditions. RWU has been actively involved in the struggle for safer railroading in Canada in the wake of both the Lac-Mégantic runaway oil train disaster and the Filled Hill runaway grain train tragedy.

The International Steering Committee of RWU recently learned of the filing made by Ms. Pamela Fraser and the Dockrell family of Alberta Canada regarding the Surface Transportation Board's ("STB") review of the pending merger between Canadian Pacific Railway and Kansas City Southern Railway. The filing in question raises several serious concerns with how CP Railway's current policing status and activities in the United States triggers numerous public interest concerns that include but extend beyond the safety of the American public and railway workers. Upon reviewing the complaint and its supporting materials, and without delving the substance of the concerns it raises, the RWU takes the position that the complaint raises threshold concerns that the STB has a duty to consider before approving a merger that would extend CP Railway's policing operations deeper into the United States.

The issues in the complaint fall within the STB's mandate to safeguard public safety and the public interest in general. The complaint raises questions that the RWU takes very seriously, including the criminal investigation of deaths and reportable injuries at CP Railway's American operations; national security concerns around the civilian command of American police officers from outside of the United States by non-American corporate personnel; the informational privacy of American citizens; the United States' sovereign right over its criminal law powers; and the civil/constitutional rights of American citizens. Canadian Pacific Railway and Kansas City Southern have a duty to provide fulsome answers to satisfy the STB and American people that a successful merger would neither entrench nor extend the potential prejudice to the American public and their national interests. As such, the RWU calls upon the STB to accept and consider the Fraser/Dockrell submissions on their merits, to allow CP Railway, Kansas City Southern, and stakeholders to provide submissions for the Board's determination. It is important for the STB to consider the complaint on its merits. The potentially irreversible prejudice that could arise to America's national interests would still prevail and could worsen, even if the STB disregarded them. Hence, it is important for the STB to facilitate stakeholder input and to engage in a full exploration of the implications of expanding CP Railway's law enforcement powers and infrastructure in the United States."

This letter was served to the parties of record by email on September 23rd 2022

Jason Doering
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