

305766

Michael P. Lindsey
60 Fairway Drive Unit C
Pocatello, Idaho 83201

ENTERED
Office of Proceedings
December 8, 2022
Part of
Public Record

December 8, 2022

Surface Transportation Board
395 E Street Southwest
Washington DC 20423

RE: EP 772 – Resubmission - example of service failures that cause congestion, leading to embargoes and metering of customer shipments.

This letter from July 2022 has been edited to remove all alleged “sensitive information” which resulted in its censorship by Union Pacific, and is being re-submitted under the EP772 Docket as it pertains to the excessive numbers of embargoes in 2022

Dear Chairman Oberman,

Over nearly two months since the EP 770 hearings were held, railroads have submitted weekly reports on their service metrics to the board. This dubious gesture by the carriers has given no clear example of their own failures across the network and rather has created an unintelligible stream of irrelevant, self-reported information that delays and complicates further any decision-making on the issue. At the risk of retaliation, I would like to provide a real-world example of failure to perform service, and disregard for consequences to any entity other than the railroad itself when making train makeup decisions. I have included as evidence my complete train list from the day in question to verify and record this information.

On July 17, 2022 I was called as the engineer on the MNPHK 15 at Pocatello, Idaho for the 243 mile run westbound to Nampa, Idaho. This train originated in North Platte, Nebraska, and was to terminate in Hinkle, Oregon. Normally this train consists of mostly manifest traffic bound for the Portland area as well as other destinations in the Pacific Northwest. At Hinkle, which is the large hump yard in central Oregon, the train would be switched and cars would be taken further towards their destination. Hinkle is approximately 600 rail miles west of Pocatello and two days transit time.

On today's train, however, cars for several misrouted destinations were placed carelessly throughout the train with seemingly zero regards for the supply chain or customer needs. Diesel fuel bound locally for Jerome Idaho was instead shipped 600 miles west to Hinkle where it will be switched and returned to Pocatello, adding 1200 miles and at least a week to the final delivery date. This car can be seen on line 1 on the enclosed train list. According to info on the car that I was able to track down, as of that date, the car was 4 days late before the misroute. To make this issue worse, this load was a dangerous placarded car, adding 1200 miles of risk to communities we serve as we misroute hazmat a third of the way across the country and back.

A car bound for Bryan Wyoming also made the unnecessary trip Oregon. Locally bound cars for Idaho

Falls and Pocatello were taken on to Hinkle as well, adding at least a week to these business's car reliant supply chain. These were seen on a train list previously shared, but protested and removed by Union Pacific under the grounds of "sensitive information." I do not see how any positive change may occur without the exposure of this allegedly "sensitive information."

Cars bound for destinations in Utah such as Ogden and Brigham City were also scattered throughout the train as previously shown on the censored train list. It should be noted that these cars never should have been added to a Hinkle-bound train in the first place and should have instead been on a train which routed through Ogden, such as an MNPRV. These customers are now seeing their wheat loads, and tanks routed 800 miles northwest to Hinkle, Oregon, adding nearly two weeks to the transit time once delays of routing through Pocatello and a potential routing all the way back to North Platte is considered as a likely possibility.

Customers in both Idaho and California will be missing their tank cars of tallow. Two cars from the list were loaded tanks bound for Heyburn, Idaho, a locally served destination out of Pocatello via the EIRR. Their cars are now on their way to Oregon. Two more cars also contain Tallow, however, these cars were bound for California and blocked to be switched at Roseville. These cars also never should have been on a train bound for Hinkle and should have been on an MNPRV similar to the other cars bound for Utah.

Next, we arrive at loaded auto rack cars bound for Milpitas in the bay area of California. These cars loaded with new trucks should never have been on a train routed for Hinkle and will now route all the way to Oregon and then back down the I-5 corridor to get to their final destinations. These cars were listed on the train list previously censored by Union Pacific. How many days or weeks of additional transit time will this cause for the businesses and customers that need these vehicles to arrive on time?

As I have now shown, complete disregard was made by the originating terminal in North Platte to correctly block this train to serve our customers and the supply chain. I can only speculate that there was some sort of time metric, surely related to PSR that required cars move out of the yard by the cutoff time, regardless of which direction they were heading. Local management takes a hit on their dwell time and instead of working together for the same team, it has become common practice to "kick the can down the road" to the next terminal out of self-preservation of one's own terminal dwell numbers. These dwell numbers are a primary metric of precision scheduled railroading.

Now let's move on to the failures encountered by this train upon arrival in Pocatello. At Pocatello, additional power is typically added for westbound trains. Steeper grades begin at this point and reach their maximum grade after the train enters Oregon at over 2%. Consequently, the train needed to add distributed power units in the middle of the train to both push the train over the grades and support the trailing tonnage limit which the train now exceeded. Trailing tonnage is the maximum weight a train can pull over a particular section of track without the couplers breaking from over stress. Our train now exceeded this limit by 334 tons.

This can be fixed by adding additional power to the rear or middle of the train, or by reducing tonnage. Due to an undisclosed problem with the computer system, the management in Pocatello decided to reduce tonnage, and again "kick the can down the road" to Nampa. At Nampa, the train would need to be corrected again since it was not legal to go over the 2% grades in Oregon. We were instructed to remove the head 5 cars from our train, lines 142 – 146, and set them out in Pocatello. These were Portland-bound loads that should have remained on our train westbound.

After looking at our list, we asked if we could instead remove the rear portion, lines 1 – 12 from the rear. This would make the train compliant, save time since we would not have to recharge the air on our entire train, and prevent misrouting, as many of these cars were destined for Pocatello anyway. Instead, the yard insisted that they had already entered it in the computer the other way around and that we just needed to get it out of town.

This bothers me immensely. I genuinely care about my industry as well as the customers. We as the train crew attempted to prevent this misrouting of customer cars by offering an easier and more efficient solution. Instead, local management cared more about their terminal dwell numbers than they did about delivering this freight to the customers. Now, these extra cars will take a week or more to be returned and delivered. This also wastes fuel, hauling unnecessary cars all around the western United States. Finally, this reduces the carrying capacity of our mainline and terminals, using these already limited resources to perform unnecessary switching moves and limiting our carrying capacity on trains while issuing embargoes to customers for “congestion.”

While this immense amount of evidence could result in any number of administrative actions and drawn-out processes, the final takeaway point that needs to be made is that this issue was specifically addressed during the EP 770 hearings. Railroads need to be held financially accountable for the mishandling of private cars and assets. The tank car spoken of earlier, which carelessly routed to Hinkle, adding at least 1200 miles was owned by a private company, not a railroad. The railroads encouraged the purchase of private rail cars and have massively reduced the number of railroad-owned cars on its system over the years. This has reduced costs for the rail industry, but there is a terrible injustice built into this practice.

When a customer mishandles a railroad-owned car, demurrage charges are severe and unforgiving, even if the delays were caused by the railroad's own failures. Why then are customers not allowed to charge the railroads demurrage when they mishandle a private car? At present, there is no financial penalty preventing a local terminal from “kicking the can down the road” as long as their car dwell numbers look good. Suppose North Platte had been held financially accountable when it misrouted cars. In that case, there may have been an incentive to call the extra job, pay the overtime, or do whatever was necessary to ensure that the train had been blocked correctly at its point of origin.

I would like to conclude this submission by reminding the board that we still do not know exactly what common carrier obligations are. The industry has asked for clarification with no response. Also, I would like to remind that board that we have over a century of law and jurisprudence to show that the railroads are ultimately at your mercy when they willfully act in a way that disrupts interstate commerce. During the first World War, we saw a repeat of many of these same failures. Consequently, in 1917 the US actually nationalized the railroad industry in support of the war effort. This is a bit of history that railroad management would like to keep suppressed. They are at your mercy. Please hold them accountable. Customers, businesses, and our entire supply chain are at stake.

Sincerely,

Michael Paul Lindsey
Pocatello, Idaho