

Transportation Communications Union/IAM

International Association of Machinists and Aerospace Workers



Legislative Department

William DeCarlo, *Nat. Vice President & Nat. Legislative Dir.*

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[Delivered via email]

May 19th, 2021

The Honorable John Cornyn
United States Senate
517 Hart Senate Office Bldg.
Washington, DC 20510

The Honorable Ted Cruz
United States Senate
127A Russell Senate Office Bldg.
Washington, DC 20510

The Honorable Lance Gooden
U.S. House of Representatives
1722 Longworth House Office Bldg.
Washington, DC 20515

Dear Senator Cornyn, Senator Cruz, and Congressman Gooden,

I'm reaching out at the direct request of TCU Carmen Division Local Lodge 6023, representing approximately 44 Union Pacific (UP) Railroad employees in Palestine, TX (the total number of employees stands around 57). These are generally Carmen jobs that maintain and perform heavy repairs and inspect railroad rolling stock.

For background, the City of Palestine and our union have been in ongoing legal battles with Union Pacific stemming from their attempt to close their facility in Palestine. The underlying 1872 agreement in question is between the City of Palestine, Anderson County, and UP. The agreement guaranteed a minimum number of jobs in Palestine in exchange for land grants and housing, and \$150,000 in bonds.

In February, 2021, a federal judge threw out the agreement between the city and UP, citing the Interstate Commerce Commission Termination Act's (ICCTA) federal preemption authority. The result is a devastating loss for the City of Palestine, and the good railroad jobs that have helped support the community for generations.

[Here's an article on the decision: [Palestine Herald-Press: Judge: Union Pacific allowed to break contract with Palestine](#)]

Our union also has a protective agreement with the railroad that states that upon closure of a facility, the railroad will compensate employees with up to 5 years of wage protections (depending on years of service) in order to make up for lost income/help bridge to new career/etc. Unfortunately, Union Pacific is attempting to get around this agreement by keeping two people on staff, while they lay off

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everyone else. UP is attempting to argue that if the facility *technically* doesn't close, UP won't have to compensate the employees they're terminating. We find this absurd and extremely callous – especially for long-time, veteran employees.

Lastly, UP [stated in their release](#) that they are “working with those impacted to help them with job placement activities.” They are not. There have been almost no conversations with employees about transfers/placements (with the exception of *one person* who was offered a maintenance job – in California).

We are asking for any help that Congressman Gooden, Senator Cruz, or Senator Cornyn can provide in urging Union Pacific to do right by their employees – either to honor the agreement that provides wage protections; or, at the very least, work out an agreement with the union to help bridge those employees closest to retirement.

Any help that your offices can provide would be greatly appreciated by our members and their families in Palestine. Time is of the essence as UP has officially issued WARN Act notices to our members, with terminations set to begin on June 14, 2021. If you have any questions, please reach out to us at your earliest convenience.

Sincerely,

Bill DeCarlo
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cc: Lucian Pantalici, Local Chairman, TCU Lodge 6023
Kevin Loftin, National Representative, TCU Carmen Division