

STEVEN P. DINKIN A Path Forward

IN EASTERN OHIO, CRISIS COMMUNICATIONS OFF THE RAILS

It's been a month since a Norfolk Southern train derailed in East Palestine, Ohio, a town of 4,700 residents near the Pennsylvania border. The 150-car train was carrying chemicals and combustible materials, including vinyl chloride, a flammable gas and known carcinogen.

A huge fire erupted, prompting evacuation orders on both sides of the border. An initial report from the National Transportation Safety Board attributed the derailment to an overheated bearing. While an alarm sounded, it was too late; the bearing failed as the engineer brought the train to a stop.

As cleanup of the derailment site continues, so too does the finger-pointing. The eagerness of Democrats and Republicans to score political points has only added to the mess.

No one, it seems, could get their hands on a crisis communications playbook. If someone had read it, they would know the importance of admitting your mistakes publicly, taking swift and decisive action, and communicating early and often. They would

understand that people want honesty and integrity.

The company, Norfolk Southern, skipped a Feb. 15 town hall meeting that drew hundreds of anxious residents and politicians, citing safety concerns for its staff. When Ohio Gov. Mike DeWine raised a stink, Norfolk Southern Railway president and CEO Alan Shaw traveled to East Palestine as a show of support.

Norfolk Southern has since committed \$6.5 million in remuneration to the town. It will conduct and pay for cleanup of the derailment site, as well as local homes and businesses, with oversight from the Environmental Protection Agency.

So far, 10 lawsuits have been filed against the company, including a class-action suit that would provide monetary damages beyond the EPA's directive and give residents a say in what an effective cleanup is.

Financial obligations to the community notwithstanding, Norfolk Southern's bottom line will assuredly remain intact. In 2022, the company recorded record operating revenues — \$12.7

billion — and record income, \$4.8 billion.

The response of the federal government wasn't much better when it comes to optics.

Following the disaster, President Joe Biden took a surprise trip to Kyiv in a show of support for Ukraine, one year after the Russian invasion. As reported in The Washington Post, Biden had been working behind the scenes before his trip to address the derailment, staying away from the accident site — as is typical — to avoid interfering with emergency crews.

To presidential historian Douglas Brinkley, the administration erred in its "by-the-book" response. As Brinkley told the Post, "There's a lot of mistrust in the federal government, and there's a lot of noise in our cluttered culture. So, to break through that, you've got to be bold and clear and show some anger and deep humanitarian concern."

It didn't help matters that Transportation Secretary Pete Buttigieg showed up in East Palestine on Feb. 23, the day after former President Donald Trump,

who distributed hats and bottled water to residents. Trump was joined by Ohio Sen. J.D. Vance, who used the moment to criticize Biden, Buttigieg and the federal government response in general.

Other Republicans have piled on, saying the response has been slow because East Palestine is a rural and predominantly White community that is solidly Republican. Democrats have blamed deregulation, noting that 1,000 derailments occur every year, often in communities of color (and without the accompanying outrage).

I can't help but think: Where is Rudy Giuliani when we need him? Of course, I'm talking about the Rudy Giuliani who was mayor of New York City on Sept. 11, 2001, when two planes were flown into the twin towers of the World Trade Center. That day, and in the weeks following, Giuliani was the ultimate crisis communicator and leader, reassuring New Yorkers (and Americans) in a very calamitous time.

I can say with certainty that no one has reassured the residents of East Palestine, who are rightfully

angry and fearful after losing the comfort and security of their homes. Around them, more than 35,000 animals have died — fish, farm animals, family pets — adding to worries about the health impacts of the derailment, now and in the years to come.

But it seems that Ohio's senators (Vance, a Republican, and Sherrod Brown, a Democrat) have been listening to their concerns. The two sent a letter urging the EPA to do additional testing of the air and water in East Palestine, specifically for the presence of dioxins. On Monday, they teamed up to ask the agency and the Centers for Disease Control and Prevention to conduct baseline medical screenings of all residents in the community.

If something good can come out of a disaster, perhaps bipartisanship in our country is getting back on track.

Dinkin is president of the National Conflict Resolution Center, a San Diego-based group working to create solutions to challenging issues, including intolerance and incivility. To learn about NCRC's programming, visit ncrconline.com

TRUST

FROM B1 with a pregnant homeless woman who needed psychiatric care.

"She didn't even know she was pregnant," Padilla recalled. "She thought they were tactile hallucinations. That's how ill she was."

With her help, the woman was placed in a psychiatric hospital, where she was stabilized and gave birth.

Another early success came when a man LeFever had been working with for more than a year in Balboa Park finally accepted that he needed help.

"He didn't want to get into a shelter," LeFever said. "All he trusted and was comforted by were his friends at Balboa. But at the same time, he was being harmed, sexually abused. He was being given drugs. All these things that are unthinkable. And I kept going back, kept going back, until it got to the point where he said, 'I'm done. I need help.'"

The man had suffered a traumatic brain injury from a skateboarding accident, and the two women helped him get admitted into a psychiatric hospital. They repeatedly

kept him from being discharged from programs and stayed in contact as he was transferred to a facility in Riverside, and they anticipate he will eventually come to Escondido for a traumatic brain injury program.

After her session with Vicki, Padilla sat at a park picnic table for a session with one of his friends, who has become a regular patient. She and LeFever then returned to their van and headed to Balboa Park in search of another patient.

Padilla said many of the people she sees are methamphetamine users, and LeFever said dealers pushing fentanyl on the street have become more brazen.

"By the library, we were seeing some clients, and these two gentlemen were walking by going, 'Fenty, white,'" she said, referring to street names for fentanyl and meth. "Some of my clients say, 'I'm trying to stay clean. How can I stay clean when I can't walk to the bus without someone offering it?' I don't think it used to be so open."

LeFever and Padilla were at Balboa Park earlier this year when a man they knew rushed up to their van, banged on their window and said someone in the park



Mental health nurse Michele Padilla hugs a patient after a session as Father Joe's outreach worker Michelle LeFever smiles.

was down and not responding.

Padilla said they were too late — his face was blue and he had no pulse — but she administered CPR for six minutes as his friends looked on.

"I was still going to try," she said. "I was going to do all that I could, because those are his friends."

The two walked across Park Boulevard to an encampment on the east side of

the street, where they met a patient Padilla has been seeing regularly. They sat quietly on a tree trunk for several minutes. The two then stood, hugged and said goodbye. Padilla left hopeful.

"She never spoke with behavioral health," Padilla said about the woman. "She's told me, 'I've never talked about this with anybody.' Speaking about feelings wasn't something she does."

Padilla said the woman has been homeless seven years, and she believes her situation has contributed to her deteriorating mental health. But after meeting with her for the last month, Padilla said she has become more positive and outgoing.

Besides the Father Joe's team, other local strides have been made to help homeless people with mental challenges. The county and city of San Diego have

FENCE

FROM B1 Mar and the Coastal Commission. The abeyance was extended through Dec. 31, 2021, before NCTD declared the parties were at impasse and asked the board to renew its petition and expedite a decision.

Del Mar on July 25, 2022, in the most recent of its multiple replies to the petition, told the STB that the transit district's filings ignore a number of things such as the fact that Del Mar and the Coastal Commission have continuously allowed emergency bluff repairs over the years without prior authorization.

"Ironically, it is NCTD that has reversed course on its conditional concurrence agreement, and is now actively seeking to block and delay the project," the Del Mar letter states.

Del Mar Councilmember Dwight Worden said Friday that his city's position has not changed, and that he did not know why the board has reached no decision.

NCTD has long argued that bluff stability and the fence are matters of public safety and that construction can proceed regardless of opposition. Yet the fence project, which is unrelated to bluff stabilization, has stalled in the face of widespread opposition.

Hundreds of Del Mar residents vehemently oppose the fence, saying it would restrict access to the beach, obstruct views of the ocean, and reduce property values. The average home in Del Mar is worth more than \$3 million, according to Zillow.com.

The transit district, which has fenced most of the 60-mile coastal rail route in San Diego County, says the proposed 6-foot-tall, chain-

link or metal-mesh barrier is vital to reducing the number of people killed or injured on the track, including suicides.

From June 2016 to June 2021, there were 64 fatalities, 86 accidents and 315 near-misses on the rail lines between Oceanside and San Diego, according to NCTD. Those numbers are likely to go up as the agency increases the number of daily trains and purchases faster, quieter locomotives.

NCTD received a state grant of \$1.3 million in 2018 to install additional fencing. A district study identified areas in Oceanside, Encinitas and Del Mar with frequent trespassing where the fence should be added. Only the Del Mar right-of-way remains unfenced because of the strident opposition there.

Trespassing on the train tracks is illegal, though rarely enforced. Violators

can be fined \$50 to \$400 plus court costs, according to NCTD officials.

The Coastal Commission, the Del Mar City Council, the San Diego County chapter of Surfrider and other groups have sent multiple letters and updates to the STB opposing the petition.

"NCTD's petition contains nothing more than speculation about possible future conflicts and presents no evidence of a single instance of a situation in which the commission's ... review interfered with one of its rail projects," states a Coastal Commission response. It makes no mention of the fence controversy.

Surfrider's position on the petition also remains unchanged, said Mitch Silverstein, the San Diego chapter's policy manager.

"We've steered clear of the Del Mar fence debate for the most part," Silverstein

said by email Wednesday.

"Above all, we want the railroad relocated ASAP for the sake of the beach and the bluff," he said.

The fence is clearly specified as a problem in a letter opposing the petition written to the federal board by Jeffrey Sturgis, whose family has owned property on the Del Mar bluff since 1943.

"The question of fencing the rail right-of-way is a uniquely local issue that does not fit into a one size fits all category, as evidenced by the varied fencing solutions along rail corridors throughout the state and country," Sturgis said in the Oct. 5, 2020, letter.

"Local access to and from the ocean is an important right that must be balanced with NCTD's desire to wall off rail right-of-way," Sturgis said.

Amtrak supports the petition, stating in a letter that the Del Mar bluff stabiliza-

tion and fencing projects should be undertaken "without delay."

"Enhancing the safety of Amtrak's operations is paramount, and decreasing trespasser incidents helps us meet this important objective," it states.

A letter from the Association of American Railroads takes no position but states that the petition raises "complex and important legal issues" and the association will monitor the issue for implications to the broader railroad industry.

The national Commuter Rail Coalition also supports the petition, and the U.S. Army's Military Surface Deployment and Distribution Command states that the railroad is important to national defense as part of the Strategic Rail Corridor Network but takes no position on the petition.

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SAFETY

FROM B1 support among local government officials and the general public for their health and environmental benefits. But with assisted speeds of up to 20 mph on Class 1 and 2 e-bikes and 28 mph on Class 3, they also have their own set of public safety concerns.

Del Mar, Solana Beach and Encinitas are all considering local ordinances to regulate e-bike usage. E-bikes, like regular bicycles, are currently subject to the same traffic laws as automobiles. Unlike cars, there are few prerequisites and safety requirements to operate an e-bike.

The specifics of their potential laws are to be determined, but cracking down on unsafe off-road usage has been a common refrain throughout North County.

In Del Mar, city leaders want to consider their options for e-bike regulation before the end of this fiscal year in June. Mayor Tracy Martinez said she has often used an e-bike, but has heard a lot from residents about children who ride them without helmets, on the sidewalks and with no regard for stop signs.

Traffic collisions in Encinitas, Solana Beach and Del Mar

Based on data from the San Diego County Sheriff's Department (and excluding collisions on freeways that are recorded by the California Highway Patrol).

Year	Collisions	Total
2018	90% 10%	421
2019	90% 10%	395
2020	86% 14%	286
2021	86% 14%	389
2022	83% 17%	353

Source: San Diego County Sheriff's Department

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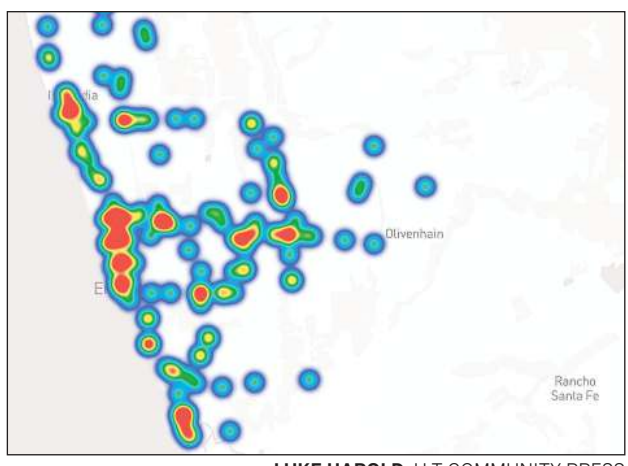
are really necessary and I hope the council supports that," Martinez said. "We've had kids riding on the beach on e-bikes, which is not allowed, and the lifeguards are aware of that. But we don't have any guidelines or rules yet."

Del Mar Municipal Code prohibits motorized vehicles, including e-bikes, but makes an exception if the rider doesn't use the pedal assist or motor.

Erica Davis, who lives in Del Mar, said her 6-year-old son was building a sandcastle at Torrey Pines State Beach last summer when an older child on an e-bike

crashed into him. She said his injuries included abrasions throughout his body and a laceration on his chin that required stitches. A state parks spokesperson said that as of August 2021, e-bikes are not allowed at Torrey Pines State Beach or Torrey Pines State Natural Reserve.

"That for me has been the hardest thing," Davis said, "is finding a safe place outside where I feel like I can let my kids roam and run and not have to worry about them getting hit by a bike, especially a young kid on an e-bike who really doesn't have experience being able to pre-



A heat map of collisions involving bikes and e-bikes in Encinitas, Solana Beach and Del Mar from 2018 to 2022.

LUKE HAROLD U-T COMMUNITY PRESS

dict what people will do."

Solana Beach resident Karl Rudnick, an instructor with the League of American Bicyclists who teaches e-bike safety classes for adults, said there's a need for more education.

"They've essentially given 20 mph electric motorcycles to 12-year-olds," he said. "You can't even get on a motorcycle without a driver's license."

But he added that some of the children he sees on the road who ride their e-bikes frequently are among the safest riders, while plenty of adult riders also break traffic laws and shirk best safety

practices.

"There are still some bad riders out there, but there are some bad drivers out there too," said Rudnick, a founder of BikeWalkSolana.

Helmet enforcement among children has been a particular focus for the Sheriff's Department.

"It's better," said Deputy David Drake, from the North Coastal Station. "The kids are definitely wearing their helmets. They could do a better job of strapping their helmets. But I think that's definitely improved because that's what we've been focusing on."

Children who are cited

are also given the option to take a California Highway Patrol online safety course to avoid traffic court.

Drake was one of several city and school leaders who attended a February School District Liaison Committee meeting in Encinitas. The discussion included potential state legislation to provide some uniformity in e-bike policy, as opposed to the current patchwork of regulations by cities, school districts and other local officials.

"Encinitas should be a nationwide leader in bike safety, bike education and promotion of bikes as a means of transportation," Encinitas City Councilmember Kellie Shay Hinze said.

Solana Beach Mayor Lesa Heebner said the parameters of a local ordinance, if the City Council goes that route, are "open for discussion at this point." She mentioned a possible licensing requirement.

"I don't think it's just a phase, I think it's here to stay," Heebner said. "We've got to take a look at the implications of all this, because there are some really wonderful benefits that come from it."

Harold writes for the U-T Community Press.