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# Proposed railroad sale at risk due to lack of voter education | Opinion

*City leaders have washed their hands of any further public education efforts on the issue*

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Mayor Aftab Pureval, City Council and the Cincinnati Southern Railway Board of Trustees all seem to have washed their hands of any further public education efforts concerning the proposed sale of our city-owned railroad, which [residents will vote on Nov. 7](#). This has left a vacuum that is being exploited by a Columbus-based political action committee with reported close ties to the mayor.

The PAC is presumably well-funded by Norfolk Southern Corporation, the proposed buyer of the railroad. So, we can expect all their information to be slanted in favor of the sale. We've all probably seen the glossy mailers and TV ads. Norfolk Southern is reportedly prepared to [spend \\$1 million](#) to get our approval. That will buy a whole lot more political ads, but for such an important business decision like this, slick political ads just are not going to cut it.

We organized "Citizens for a Transparent Railroad Vote" because everyone knows that if something looks too good to be true, it probably is, and the devil is in the details. We recently wrote to the mayor and the railway board with two recommendations aimed at increasing the level and quality of information concerning the proposed sale.

The first recommendation was a series of public hearings across the city. Neighborhood town halls where voters can hear directly from public officials and ask questions about the proposed sale as well as the management and intended use of the funds it will generate. We need public officials on the ground explaining this proposal to the voters.

Second, we recommended a digital town hall. A dedicated, interactive website containing a comprehensive collection of documents generated by all parties since these negotiations began, that also allows voters to ask

questions and get answers from city officials, the railway board and even Norfolk Southern.

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Some believe the process has already been seriously tainted based on a lack of transparency. Last month, the [railway board settled a lawsuit](#) and made a payout over allegations that it improperly met in executive session, outside the public view, numerous times in 2021 and 2022 to plan the sale of the railway, without us knowing the details of what they were planning.

At least the railway board decided to post FAQs and a few other documents on its [website](#) <https://cincinnatisouthernrailway.org>. As we mentioned to Board President Paul Muething in our correspondence, it was a good start. Unfortunately, the response from the railway board indicated that they feel they have done enough, but we have asked for a meeting to further discuss. Mayor Pureval has not responded or acknowledged receipt of our correspondence.

We also suggested that the \$5 million upfront portion of the \$25 million transaction fee paid by Norfolk Southern for expenses could be used to fund these public education efforts. The mayor, council and the railway board all seem to buy into the idea that municipal code prohibits the use of public funds to educate the public about the proposal, even though it may be one of the most important votes we are ever going to cast. That does not sound right. To us, it looks like a misinterpretation at best, and malicious compliance with the code at worst. In any case, it needs to be revisited by whoever is in charge.

At its May 2023 meeting, the railway board discussed a legal opinion drafted by the city solicitor that they relied upon for their unanimous decision not to fund a public education campaign. We requested a copy of the opinion directly from the solicitor's office. The initial response was that any legal opinion would be subject to attorney-client privilege. We are not sure about that but, of course, that privilege could always be waived. This is another case where they seem to prefer that we not know the details.

Remember, [the Enquirer reported in June](#) that there was controversy surrounding this upfront fee. The railway board initially redacted pertinent documents requested by the Enquirer but ultimately relented and unredacted them. We are hopeful that our request for the legal opinion is resolved in the same manner. We are following up.

Time is of the essence. Under Ohio law, the railway board had the option of placing the issue on the November 2023 ballot or the 2024 primary or general election. In July, they chose this November, leaving fewer than four months, including during summer vacations, for the public to get up to speed. One board member wanted to "strike while the iron was hot," and thought voting on the issue in November would give the citizen's the "best opportunity to clearly express their views on the merits of the sale." However, the railway board gave zero consideration as to how the merits of the sale were to be communicated to the citizens. The board had already agreed that it was not going to take responsibility for that.

So, even though board members have been working on this for years and were the ones who unanimously voted for this abbreviated timeframe, the voters are the ones now under the gun to hurry up, do their homework and get smart about the proposal, with little to no help from the city or the railway board. Voters are justified if they feel they are being taken for granted and are expected to simply rubber stamp the sale. To us, that is no way to run a railroad.

Many Cincinnati voters are just now learning that they are owners of a railway that generates millions of dollars a year for the city, and at the same time, they are being asked to immediately turn around and sell this valuable asset that they just learned they owned. We cautioned the mayor and railway board that voters are uninformed and confused about the issue and that with no effort to help educate the electorate, the proposed sale is at significant risk of failing. If voters are not sufficiently informed, they will vote "No" as a prudent person should.

If voters agree with our recommendations, we are asking that they please contact the mayor and railway board and let them know we must be able to have a greater level and quality of information necessary to conduct our due diligence on this significant, once-in-a-lifetime responsibility.

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