



Brotherhood of Maintenance of Way Employees Division of the International Brotherhood of Teamsters

Freddie N. Simpson
President

Perry K. Geller, Sr.
Secretary-Treasurer

October 28, 2005

via fax & first class mail

Hon. Read Van de Water, Chair
National Mediation Board
1301 K Street, N.W., Suite 250 East
Washington, D.C. 20572

Dear Ms. Van de Water:

Reports have reached me that you have made public statements declaring that in making recommendations to the President for appointments to Presidential Emergency Boards in labor disputes involving Amtrak, you would not use the professional arbitrators always used by the National Mediation Board (NMB) in such disputes, arbitrators who have extensive experience in resolving and mediating disputes in the rail freight and passenger industries. I am writing to determine if these reports are accurate.

As you know, the National Mediation Board recommends to the President the members of Presidential Emergency Boards, and those recommendations have always been accepted by the White House, in all Administrations since the Railway Labor Act was passed in 1926. Although the President nominally appoints the Emergency Board members, their selection is made by the NMB.

The BMWED has been without a new contract with Amtrak for over five years. We have repeatedly asked the NMB to release us, with the hope that fruitful collective bargaining will result, or the processes under the Railway Labor Act will play out, processes which could include the appointment of a Presidential Emergency Board.

The BMWED has also offered to Amtrak Board Chairman David Laney and to Amtrak President David Gunn to submit our collective bargaining dispute to binding arbitration, with an experienced arbitrator who has previously handled such disputes. Both Mr. Gunn

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and Mr. Laney have refused our offer to resolve this matter, even though the result in arbitration is final and binding, while Emergency Board recommendations are not. In other words, BMWED has offered to resolve its dispute with Amtrak in a way that guarantees a resolution without a disruption to service.

It would be deeply distressing and contrary to all notions of fair play and decades of precedent of the NMB to select as members of a PEB those who are not professionally qualified to serve. We are concerned that the appointment of members of an Emergency Board who are not experienced in resolving labor disputes in the rail industry would not aid in the peaceful resolution of this dispute. We can't imagine the NMB would take such a step when the statutory mission of the NMB is to assist in the resolution of disputes in the railroad industry, not to create disputes.

I look forward to your reply and hope that the reports that I have received about your public comments are not accurate.

Sincerely,

A handwritten signature in cursive script, appearing to read "Freddie N. Simpson".

Freddie N. Simpson
President

cc: BMWED/BLET Task Force