



NATIONAL MEDIATION BOARD  
WASHINGTON, D.C. 20572

January 26, 2011

(202) 692-5000

**Sent via Facsimile and U.S. Mail**

Mr. Robert Scardelletti, International President  
Transportation Communications International Union  
3 Research Place  
Rockville, MD 20860

Mr. Donald Saunders, Acting General Manager  
Massachusetts Bay Commuter Railroad  
89 South Street, 8<sup>th</sup> Floor  
Boston, MA 02111

**RE: NMB Case Number: A-13516, MBCR & TCU  
Craft (s) or Class (es): Supervisors (ARASA Division)**

Gentlemen,

In answer to our letter addressed jointly to your respective Carrier and Organization dated January 18, 2011 we have been advised by a letter dated January 19, 2011 from Robert Scardelletti, International President, Transportation Communications International Union, that the Organization has declined, in writing, to arbitrate the question in the above-captioned case. A copy of this letter is attached.

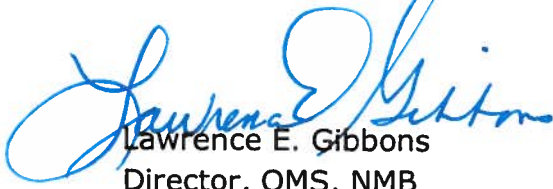
Your attention is therefore directed to the last clause in Section 5, First (b) of the Railway Labor Act, as amended, reading as follows:

If arbitration at the request of the Board shall be refused by one or both parties, the Board shall at once notify both parties in writing that its mediatory efforts have failed and for thirty days thereafter, unless in the intervening period the parties agree to arbitration, or an emergency board shall be created under Section 10 of this Act, no change shall be made in the rates of pay, rules, or working conditions or established practices in effect prior to the time and dispute arose.

It is the judgment of our Board that all practical methods provided in the Railway Labor Act for our adjusting the dispute have been exhausted, without effecting a settlement.

In these circumstances, notice is hereby served on behalf of the Board that its services (except as provided in Section 5, Third and in Section 9A of the Act) have been terminated this day under the provision of the Railway Labor Act. Accordingly, unless the parties subsequently settle this dispute, or an emergency board is established, nonviolent self-help would be available commencing **12:01 a.m. EST, Saturday, February 26, 2011.**

By direction of the NATIONAL MEDIATION BOARD.



Lawrence E. Gibbons  
Director, OMS, NMB

LEG/kab

Enclosure

Cc: Sean Ryan, DBS, P.C  
Patricia Lucek, MBCR  
Hugh Kiley, MBCR  
Marie Breen, MBCR  
Dennis Boston, MBCRLBC  
Jim Mackenzie, NMB  
Terri Brown, NMB  
Board Members, NMB  
Mary Johnson, NMB



# Transportation Communications International Union

An affiliate of the International Association of Machinists and Aerospace Workers

Robert A. Scardelletti  
International President



God Bless America

January 19, 2011

*Via Fax and Overnight Mail*

Lawrence E. Gibbons  
Director, Office of Mediation Services  
National Mediation Board  
1301 K Street, NW  
Washington, DC 20572

JAN21'11 AM10:20 MED

RE: NMB Case No. A-13516 (TCU Supervisors (ARASA Division), Rejection of Arbitration Proffer

Dear Mr. Gibbons:

This is in response to the National Mediation Board's letter dated January 18, 2011, which proffers arbitration in the above docketed mediation case.

The Transportation Communications Union respectfully declines the Board's proffer of arbitration in this matter.

Sincerely yours,

Robert A. Scardelletti  
International President

cc: Dennis Boston, MBCRLBC Spokesman  
Joseph Guerrieri, Jr., MBCRLBC Counsel  
Donald Saunders, MBCR Acting General Manager  
J. Derillo, IR  
J. English, GC