



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. James Little, International President
Transport Workers Union of America
501 3rd. Street, NW, 9th Floor
Washington, DC 20001

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

**RE: NMB Case Number: A-13517, MBCR & JCC
Craft (s) or Class (es): Carmen**

Gentlemen,

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

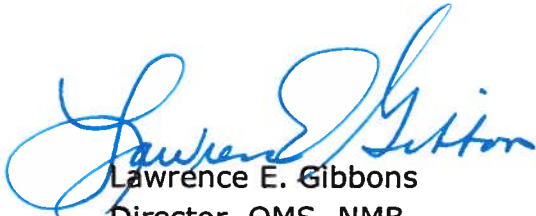
Your attention is therefore directed to the last clause in Section 5, First (b) of the Railway Labor Act, as amended, reading as follows:

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



God Bless America

Robert A. Scardelletti
International President

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 AM 10:20 MED

RE: NMB Case No. A-13517 (TCU Carmen), 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
R. Johnson, P-Carmen Division
C. Tingle, GVP-Carmen Division
R. Trowbridge, LC



"We Move America"

JAMES C. LITTLE
International President

HARRY LOMBARDO
International Executive Vice
President

JOSEPH C. GORDON
International Secretary-Treasurer

SUSAN RESCH
Administrative Vice President

JOHN M. CONLEY
Administrative Vice President

JEFFREY BROOKS, SR.
Administrative Assistant to the
International President

TRANSPORT WORKERS
UNION OF AMERICA
AFL-CIO

International Headquarters
& Offices of the Railroad
Division & Transit Utility,
Universities and Service
Division
501 3rd Street NW, 9th Floor
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Transport Division
1791 Hurstview Dr.
Hurst, TX 76054
817.282.2544

www.TWU.org



JAN21'11 AM 9:44 NMB

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

RE: NMB Case No. A-13517, 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 Transport Workers Union of America (Carmen, member of JCC with TCU) respectfully declines the Board's proffer of arbitration in this matter.

Sincerely yours,

James C. Little
International President

cc: Gary Maslanka, Director Railroad Division
John Feltz, International Representative
Dennis Boston, MBCRLBC Spokesman
Joseph Guerrieri, Jr., MBCRLBC Counsel
Donald Saunders, MBCR Acting General Manager