



January 4, 2010

VIA ELECTRONIC MAIL

The Honorable Elizabeth Dougherty
Chairman, National Mediation Board
1301 K Street, NW; Suite 250
Washington, D.C. 20005

The Honorable Harry Hoglander
Member, National Mediation Board
1301 K Street, NW; Suite 250
Washington, D.C. 20005

The Honorable Linda Puchala
Member, National Mediation Board
1301 K Street, NW; Suite 250
Washington, D.C. 20005

Re: *Notice of Proposed Rulemaking in Docket No. C-6964*

Dear Board Members:

TTX Company ("TTX") submits the following comments in response to the Notice of Proposed Rulemaking ("NPRM") by the National Mediation Board (the "Board") in Docket No. C-6964, 74 Fed. Reg. 56750 (Nov. 3, 2009). TTX appreciates the opportunity to comment on the Board's proposal to change its rules respecting representation elections under the Railway Labor Act ("RLA").

By way of background, TTX is a freight rail services company and a carrier as defined in Section 1 First of the RLA, 45 U.S.C. § 151 First. Among other things, TTX manages a fleet of more than 200,000 rail cars used by freight railroads across the United States, Canada, and Mexico. TTX employs more than 360 individuals in the carman craft or class, who are represented by the Brotherhood Railway Carmen.

TTX is extremely proud of and grateful for the long, productive and cordial working relationship it has enjoyed with the union that represents its employees. This relationship is built on a strong foundation of mutual trust, solidified by many years of constructive bargaining and grievance processing. The stability of this relationship is remarkable – TTX has worked with the same union for more than 15 years.

TTX believes that one of the factors that has made this stability possible is the Board's approach to handling representation disputes under the RLA. The Board's rules ensure that each union has the support of a true majority of the entire represented craft. Accordingly, each union

operates from a position of strength, without the need to look over its shoulder at potential challengers. Representation disputes have been exceedingly rare; railroad unions are not subject to the sort of inter-unions conflicts that still bedevil other industries, notwithstanding union federation rules that prohibit raiding. *See* FY2008 Annual Report, National Labor Relations Board at 13 (noting that in the 2008 fiscal year, the NLRB conducted 140 elections in which multiple unions were on the ballot). The Board's rules also arguably reduce the incidence of decertification efforts, which can also be disruptive to both employee morale and carrier operations. *Id.* at 12 (noting that there were 296 decertification elections supervised by the NLRB in FY2008).

It is an open question whether the proposed change would alter this state of affairs. It is possible, we submit, that allowing certifications to shift based on the majority of votes cast would undermine, to at least some extent, the stability of long-standing labor-management relationships, both at TTX and on other carriers. The proposed rule may also call into question whether unions retain majority support, leading to an increase in decertification efforts. This is not to say that the proposed change is certain to lead to these results, only that it is a risk.

TTX is opposed to any proposal that poses even a potential threat to the stability of labor relations in the rail industry. The Board's existing rules are not broken. Attempts to "fix" the rules would, therefore, be more likely to do harm than good.

Respectfully submitted,



Patrick Loftus, Esq.
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TTX Company