



August 20, 2008

The Honorable Read Van de Water  
Chairman  
National Mediation Board  
1301 K Street, NW  
Suite 250  
Washington, D.C. 20005

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

Dear Chairman Van de Water and Member Dougherty:

I am writing to reiterate our request that the Board extend the comment period and hold a public hearing on the pending proposal to amend the NMB Representational Manual, and in particular the proposed addition of Section 19.701 that would govern representation issues in certain airline and rail mergers. Given the apparent significance of this change and the initial response it has already generated on Capitol Hill and from our member unions, we feel additional time to comment on the proposal and a public hearing to further explore its impact is absolutely essential.

As you know, on July 28, 2008, TTD's General Counsel sent a letter on behalf of our affiliates asking the Board's General Counsel to extend the comment period for 60 days (until October 15, 2008). In that letter we also urged the Board to hold a public hearing on the proposal. We understand that individual unions have likewise made similar requests. We also understand that in a letter to the Board, Chairman Edward Kennedy, Chairman Jim Oberstar, and Chairman George Miller, raised serious concerns about the substance and timing of this proposal and asked the Board to extend the comment period and hold a public hearing. Despite these calls for an

**Transportation Trades Department, AFL-CIO**

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Edward Wytkind, President • Patricia Friend, Secretary-Treasurer

extension and a public hearing, the Board has yet to respond to transportation labor's request. While we understand that the Board did extend the comment period for 19 days (until September 3), this extension was due to a further modification to proposed Section 19.701 and did not respond in any way to our request.

We also note that NMB Member Harry Hoglander has stated clearly he is not in favor of the Board's proposal and has voiced his opinion that it should be withdrawn. While you have stated that withdrawing the proposal without accepting comments would "be bad government practice" you have not explained why extending the comment period as requested and holding a public hearing are inconsistent with the Board's goal of soliciting input from all parties. In fact, you have personally reiterated that this is only a proposal; that it is not being rushed through to interfere with labor rights in the pending Delta/Northwest merger; and that the Board will seriously consider comments it receives. Given this fact, we see no harm, and in fact find great value, in extending the comment period to October 15 and holding a public hearing. If you are correct that this proposal is not improper, facilitating our request and that of Members of Congress to allow for more transparency and input, will only serve to better inform the Board on the impact of any changes and enhance the process.

I look forward to your reply and thank you for considering this request.

Sincerely,

A handwritten signature in black ink, appearing to read "Edward Wytkind", with a horizontal line extending to the right.

Edward Wytkind  
President

cc: Harry R. Hoglander, Member