



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

Freddie N. Simpson
President

Perry K. Geller, Sr.
Secretary-Treasurer

To: General Chairmen

From: Fred Simpson *Fred N. Simpson*

Re: **Congressional response to NMB user fee proposal**

Enclosed are three recent letters transmitted to the National Mediation Board (NMB) by a very good friend of all Rail Labor, Representative James Oberstar of Minnesota. Congressman Oberstar's letter contains a strong criticism of the NMB's position that it has statutory authority to impose user fees for arbitration. Also accompanying Mr. Oberstar's letter is another letter signed by over 100 members of the House of Representatives criticizing the NMB's proposed regulation. Finally, enclosed is a legal opinion from the Congressional Research Service (CRS) that strongly suggests the NMB lacks the statutory authority to implement its proposed rule. The CRS letter is important in two ways. First, it provides a very detailed legal criticism of the NMB's claim of statutory authority to imposed user fees. Second, it sends message to us that the NMB may try to shift tactics and seek a direct amendment to the Railway Labor Act that clearly confers the right to impose user fees in arbitration. You can rest assured that we will remain vigilant and oppose any legislative attempt to deprive railroad workers of their rights to a "day in court" before the National Railroad Adjustment Board.

These developments are the direct result of hard work by a united Rail Labor. Notably, BMWED National Legislative Director Danny Gates worked tirelessly on this issue and mobilized four State Legislative Directors, Brother Rick Bigard of California; Brother Jeff Bainter of Indiana; Brother Mark McCarty of Kentucky; and Sister Kristina Delgado of Wyoming, to assist in lobbying Capitol Hill. Congratulations and thanks to all of them for their fine work. Their efforts built on tireless efforts of Brother Steve Powers from our Chicago to resist this attack on rail workers' rights. I know that going forward, the BMWED through the Teamsters' Rail Conference will continue to work diligently to fight the NMB's anti-worker agenda and that we will prevail.

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