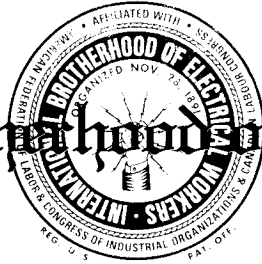


International Brotherhood of Electrical Workers



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October 22, 2007

To All IBEW, System Council No. 7
Amtrak Local Unions

Dear Brothers and Sisters:

Countdown Starts at Amtrak. Negotiators for the IBEW Reject NMB Proffer of Arbitration.

On October 18, 2007, the National Mediation Board proffered arbitration to the IBEW that has been negotiating for a new contract with Amtrak since January 2000.

We immediately notified the NMB of the IBEW's refusal to arbitrate this dispute, setting the clock in motion for a Presidential Emergency Board (PEB) and, in the absence of a satisfactory voluntary settlement, a strike.

What Other Amtrak Unions Are Involved?

In addition to the IBEW that was proffered arbitration, the NMB also proffered arbitration to every union that has been in mediation with Amtrak for contracts that opened in January 2000.

These released unions are the International Association of Machinists, the Carmen, ARASA Maintenance of Equipment, ARASA Maintenance of Way (TCU jointly represents Carmen with the Transport Workers Union as part of the Joint Council of Carmen), the Brotherhood of Maintenance of Way Employees, the American Train Dispatches Association, the Brotherhood of Railroad Signalmen, and the National Conference of Firemen and Oilers. Unions without contracts since 2000 but that are not in mediation were not subject to the proffer and remain in negotiations with Amtrak. These include the United Transportation Union, the Brotherhood of Locomotive Engineers, the Sheet Metal Workers and the Boilermakers.

What Happens Next?

Under the Railway Labor Act, "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 ..., no change shall be made in the rates of pay, rules or working conditions..."

We expect all of the unions that received proffers of arbitration to refuse arbitration, as IBEW, TWU, IAM and TCU have already done. Unions and Amtrak have 10 days from the proffer to notify the NMB of their decision; if a party fails to respond to the NMB by October 25, 2007, the NMB will consider the proffer to be rejected.

That means that sometime between now and October 25, 2007, we should expect a notice from the NMB stating that its mediatory efforts have failed and that a 30-day cooling off period from the date of that notice will be imposed. It is possible, but highly unlikely, that at the end of that 30-day period, between November 18 and November 25, 2007, the involved IBEW craft will be free to strike. *While a strike is unlikely, the IBEW is in the process of preparing strike material just in case.*

What will almost certainly occur, however, is that sometime within the 30-day cooling off period, the NMB will recommend to President Bush that he appoint a Presidential Emergency Board. And it is almost a sure bet that President Bush will appoint a PEB. Our sources tell us that it is likely that a single PEB will be created to hear all nine disputes: Electricians, Carmen, ARASA M of E, ARASA M of W, Machinists, Dispatchers, Maintenance of Way, Signalmen, and Firemen and Oilers.

Under the Railway Labor Act, the PEB will hold hearings and a report to the President within 30 days from the date of its creation. Its report will consist of its recommendations for how the parties should settle the dispute. The recommendations are non-binding.

Another 30-day cooling off period occurs from the date the PEB makes its recommendations.

If no agreement is reached within that time frame, the unions and Amtrak are both free to resort to self-help. Self-help for the unions means strike. Self-help for Amtrak means imposition of its proposed contractual changes.

A possible timeline could look like this. On or about November 25, 2007, a PEB is appointed. The PEB would hold hearings and issue its recommendations around December 25, 2007. In the past, PEBs have often requested the parties to agree to extensions of time for them to issue their decision and the parties almost always agree. Giving the timing of the holidays, it would not be a surprise if the decision isn't issued until early January. That would set a strike date for late January or early February. We emphasize that this timeline is just to give you a rough idea of what may unfold.

SOLIDARITY – Unions Working Together

As you are aware from previous communication, the IBEW and the other rail unions have been working tirelessly to convince the NMB to release us for many months. Finally that day has arrived.

In anticipation of this release the involved unions have been meeting to discuss putting on a coordinated and united presentation to a PEB.

For the last few years, our Organization together with the TWU Carmen and Machinists have been negotiating in a Shop Craft Coalition united in our opposition to Amtrak's demands for composite mechanic, contracting out, and a long list of radical concessionary work rule changes. The Coalition also shares a determination to achieve a fair retroactive wage settlement.

The Shop Craft Coalition has held several meetings already in anticipation of release from mediation and has hired one of the foremost law firms in the nation to represent our interest before the PEB.

Railroad Director William Bohne and I will spearhead the presentations for the IBEW at the PEB, working closely with the other shop craft coalition members to seek a fair retroactive wage settlement, no work rule concessions, and an end to Amtrak's latest union-busting efforts.

The Shop Craft Coalition and the IBEW are talking with the other released unions about coordinating our presentations as much as possible. We expect to put on a united, effective case that Amtrak workers deserve rail industry standard wages and working conditions.

“This Fight Will Be Difficult But It Is The Only Way”

We are under no illusion about the tough fight that lies ahead. We know full well that a Presidential Emergency Board appointed by President Bush may be stacked with anti-union members. But at least now we have a chance to fight for the contract our members have so long deserved.

No matter who is on the PEB, we will put on the strongest possible case. It's really a very simple case. Amtrak workers should be treated like the professional rail workers they are, and rewarded for the excellent service they provide in the face of enormous obstacles.

We also know that Congress will probably try to intervene to prevent an Amtrak strike. We will mobilize every ounce of labor's political strength to make sure that if Congress does intervene, it will be on terms favorable to Amtrak workers. For years our congressional friends have told us they support Amtrak workers. They will soon be put to the test.

Every day that went by in mediation rewarded Amtrak's intransigent bargaining strategy. *Amtrak says it can't afford to pay back pay, yet the reason back pay is an issue is because Amtrak for the past eight years has refused to budge from its radical concessionary work rule demands.* We can never allow a railroad to purposely stall negotiations and then cry poor mouth because the cost of retroactive pay continues to mount. If Amtrak was allowed to get away with this tactic, every railroad would be sure to follow.


Amtrak workers in every craft have seen their numbers cut, while there's money for everything else – including management raises and an endless parade of consultants. Amtrak suppliers are not asked to work on the cheap. Only Amtrak workers are targeted for sacrifice.

If it takes the first Amtrak strike in history to stop this travesty, then so be it.

I promise you one thing, I will spend whatever resources it takes, whether it be money or time, in order to achieve a fair settlement with Amtrak.

In the very near future, each of our members will receive a strike vote, and we encourage every one of our members to vote in favor of the strike, in the event that a strike is inevitable because this company refuses to treat their employees with the respect that they deserve.

In solidarity,



Michael A. Giansante
General Chairman