

FreightCar America, Inc.  
Form 8-K  
October 07, 2009

**UNITED STATES  
SECURITIES AND EXCHANGE COMMISSION  
Washington, D.C. 20549  
FORM 8-K  
CURRENT REPORT**

**Pursuant to Section 13 or 15(d) of  
the Securities Exchange Act of 1934  
Date of Report (Date of earliest event reported): October 1, 2009  
FREIGHTCAR AMERICA, INC.  
(Exact name of Registrant as specified in its charter)**

**Delaware**  
(State or other  
jurisdiction of  
incorporation)

**000-51237**  
(Commission File Number)

**25-1837219**  
(IRS Employer  
Identification  
Number)

**Two North Riverside Plaza, Suite 1250  
Chicago, Illinois**  
(Address of principal executive offices)

**60606**  
(Zip Code)

**(800) 458-2235**  
(Registrant's telephone number, including area code)

**N/A**  
(Former name or former address, if changed since last report)

Check the appropriate box below if the Form 8-K filing is intended to simultaneously satisfy the filing obligation of the registrant under any of the following provisions:

- Written communications pursuant to Rule 425 under the Securities Act (17 CFR 230.425)
  - Soliciting material pursuant to Rule 14a-12 under the Exchange Act (17 CFR 240.14a-12)
  - Pre-commencement communications pursuant to Rule 14d-2(b) under the Exchange Act (17 CFR 240.14d-2(b))
  - Pre-commencement communications pursuant to Rule 13e-4(c) under the Exchange Act (17 CFR 240.13e-4(c))
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**Section 8 Other Events**

**Item 8.01 Other Events.**

On October 1, 2009, FreightCar America, Inc. (the Company ) received notification from the Nasdaq Stock Market ( Nasdaq ) stating that based on the filing of the Company s Form 10-Q for the period ended June 30, 2009, the Company is in compliance with Nasdaq Marketplace Rule 5250(c)(1). Nasdaq had notified the Company on August 19, 2009 that the Company was not in compliance with Nasdaq Marketplace Rule 5250(c)(1) due to the delayed filing of its quarterly report on Form 10-Q for the quarter ended June 30, 2009

A copy of the Nasdaq notification received by the Company is attached as Exhibit 99.1 to this Current Report on Form 8-K and is incorporated herein by reference.

**Section 9 Financial Statements and Exhibits**

**Item 9.01 Financial Statements and Exhibits.**

(d) Exhibits

Exhibit 99.1 Nasdaq Notification Letter dated October 1, 2009.

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SIGNATURES

Pursuant to the requirements of the Securities Exchange Act of 1934, the registrant has duly caused this report to be signed on its behalf by the undersigned thereunto duly authorized.

**FreightCar America, Inc.**

Date: October 7, 2009

By: /s/ Christopher L. Nagel  
Name: Christopher L. Nagel  
Title: Vice President, Finance and  
Chief Financial Officer

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**EXHIBIT INDEX**

| <b>Exhibit No.</b> | <b>Document Description</b>                            |
|--------------------|--------------------------------------------------------|
| 99.1               | Nasdaq Notification Letter dated October 1, 2009.<br>4 |