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| In the Matter of theREPRESENTATION OF EMPLOYEESofTHE TEXAS MEXICAN RAILWAY COMPANYTrain and Engine Service Employees |  | 29 NMB No. 78CASE NO. R-6889CERTIFICATIONJuly 16, 2002 |

The services of the National Mediation Board (Board) were invoked by the Brotherhood of Locomotive Engineers (BLE) on May 13, 2002, to investigate and determine who may represent for the purposes of the Railway Labor Act (RLA), as provided by Section 2, Ninth, thereof, personnel described as Train and Engine Service Employees, employees of The Texas Mexican Railway Company (Carrier).

At the time this application was received, these employees were represented by the United Transportation Union (UTU).

The Board assigned Investigator Mary L. Johnson to investigate.

 FINDINGS

The investigation disclosed that a dispute existed among the craft or class of Train and Engine Service Employees, and by direction of the Board, the Investigator was instructed to conduct an election by secret ballot to determine the employees' representation choice.

The following is the result of the election as reported by Investigator Johnson who was assigned to count the ballots in this case.

| Number of Employees Voting: |
| --- |
|  |  | UTU | BLE | Number of Employees Eligible  |
| Train and Engine Service Employees |  | 49 | 60 | 115 |

The Board further finds that the Carrier and employees in this case are, respectively, a Carrier and employees within the meaning of the RLA, as amended; that this Board has jurisdiction over the dispute involved herein; and that the interested parties, as well as the Carrier, were given due notice of the Board's investigation.

CERTIFICATION

NOW, THEREFORE, in accordance with Section 2, Ninth, of the RLA, as amended, and based upon its investigation pursuant thereto, the Board certifies that the BLE has been duly designated and authorized to represent for the purposes of the RLA, as amended, the craft or class of Train and Engine Service Employees, employees of The Texas Mexican Railway Company, its successors and assigns.

By direction of the NATIONAL MEDIATION BOARD.

Benetta M. Mansfield

Chief of Staff