



**NATIONAL MEDIATION BOARD**  
WASHINGTON, DC 20572

(202) 692-5000

In the Matter of the  
  
REPRESENTATION OF  
EMPLOYEES  
  
of  
  
UPPER MERION & PLYMOUTH  
RAILROAD COMPANY  
  
Operating Employees

30 NMB No. 75

CASE NO. R-6962  
(FILE NO. CR-6792)

CERTIFICATION

August 22, 2003

The services of the National Mediation Board (Board) were invoked by the United Steelworkers of America (USWA) on June 10, 2003, 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 "Operating Employees," employees of the Upper Merion & Plymouth Railroad Company (Carrier).

At the time this application was received, these employees were represented by the United Transportation Union (UTU). On August 20, 2003, the UTU notified the NMB that the UTU (the incumbent) "does not wish to be placed on the ballot in the event an election is authorized" in representing Operating Employees on this Carrier.

The Board assigned Investigator Eileen M. Hennessey to investigate.

FINDINGS

The investigation disclosed that a majority of eligible employees in the craft or class had signed authorization cards which authorize the USWA to represent them for the purposes of the RLA.

The investigation further disclosed that the Carrier did not object to representation of the craft or class by the USWA.

The following is the result of the check of validity as reported by Investigator Hennessey.

Number of Employees Signing Authorizations:

	<u>Valid Authorizations</u>	<u>Eligible Employees</u>
Operating Employees	4	4

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 converts NMB File No. CR-6792 to NMB Case No. R-6962 and certifies that the USWA has been duly designated and authorized to represent for the purposes of the RLA, as amended, the craft or class of Operating Employees, employees of the Upper Merion & Plymouth Railroad Company, its successors and assigns.

By direction of the NATIONAL MEDIATION BOARD.

*Benetta M. Mansfield*

Benetta M. Mansfield  
Chief of Staff