



NATIONAL MEDIATION BOARD
WASHINGTON, DC 20572

(202) 692-5000

In the Matter of the

REPRESENTATION OF
EMPLOYEES

of

PROGRESSIVE RAIL, INC.

Train & Engine Service Employees

36 NMB No. 49

CASE NO. R-7211

CERTIFICATION

August 27, 2009

The services of the National Mediation Board (Board) were invoked by the United Transportation Union (UTU) on July 1, 2009, 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 & Engine Service Employees,” employees of Progressive Rail, Inc. (Carrier).

At the time this application was received, these employees were unrepresented.

The Board assigned Investigator Norman L. Graber to investigate.

FINDINGS

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

The following is the result of the election as reported by Investigator Graber.

<u>Election Results for Train & Engine Service Employees</u>	
Eligible Employees	8
UTU	7

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; this Board has jurisdiction over the dispute involved herein; and 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 UTU has been duly designated and authorized to represent for the purposes of the RLA, as amended, the craft or class of Train & Engine Service Employees, employees of Progressive Rail, Inc., its successors and assigns.

By direction of the NATIONAL MEDIATION BOARD.



Mary L. Johnson
General Counsel