



**NATIONAL MEDIATION BOARD**  
WASHINGTON, DC 20572

(202) 692-5000

In the Matter of the  
**REPRESENTATION OF  
EMPLOYEES**  
of  
**BUFFFALO & PITTSBURGH  
RAILROAD**  
Maintenance of Way Employees

43 NMB No. 39  
CASE NO. R-7464  
CERTIFICATION  
August 30, 2016

The services of the National Mediation Board (Board) were invoked by the International Association of Sheet Metal, Air, Rail and Transportation Workers (SMART) on July 1, 2016, 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 "Maintenance of Way Employees," employees of Buffalo & Pittsburgh Railroad (Carrier).

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

The Board assigned Investigator Angela I. Heverling to investigate.

FINDINGS

The investigation disclosed that a dispute existed among the craft or class of Maintenance of Way 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 Heverling.

<u>Election Results for Maintenance of Way Employees</u>	
Eligible Employees	36
Total Valid Votes	28
SMART	20
"No" Votes	8
Void Votes	0

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 SMART has been duly designated and authorized to represent for the purposes of the RLA, as amended, the craft or class Maintenance of Way Employees, employees of Buffalo & Pittsburgh Railroad, its successors and assigns.

By direction of the NATIONAL MEDIATION BOARD.

Mary L. Johnson  
General Counsel