



NATIONAL MEDIATION BOARD
WASHINGTON, DC 20572

(202) 692-5000

In the Matter of the
REPRESENTATION OF
EMPLOYEES
of
BROWNSVILLE & RIO GRANDE
INTERNATIONAL RAILWAY, LLC
Maintenance of Way Employees

44 NMB No. 33
CASE NO. R-7490
CERTIFICATION
June 14, 2017

The services of the National Mediation Board (Board) were invoked by the International Association of Sheet Metal, Air, Rail and Transportation Workers (SMART) on November 18, 2016, to investigate and determine who may represent for the purposes of the Railway Labor Act (RLA),¹ as provided by Section 2, Ninth, thereof, personnel described as “Maintenance of Way Employees,” employees of Brownsville & Rio Grande International Railway, LLC (Carrier).

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

The Board assigned Investigator Andres Yoder 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.

¹ 45 U.S.C. § 151, *et seq.*

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

| <u>Election Results for Maintenance of Way Employees</u> | |
|--|---|
| Eligible Employees | 5 |
| Total Valid Votes | 4 |
| SMART | 3 |
| "No Votes" | 1 |
| 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 SMART has been duly designated and authorized to represent for the purposes of the RLA, as amended, the craft or class of Maintenance of Way Employees, employees of Brownsville & Rio Grande International Railway, LLC, its successors and assigns.

By direction of the NATIONAL MEDIATION BOARD.

Mary L. Johnson
General Counsel