



**NATIONAL MEDIATION BOARD**  
WASHINGTON, DC 20572

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In the Matter of the  
  
REPRESENTATION OF  
EMPLOYEES  
  
of  
  
NATIONAL RAILROAD  
PASSENGER CORPORATION  
(AMTRAK)  
  
Supervisor - Commuter  
Operations

36 NMB No. 3

CASE NO. R-7178  
(File No. CR-6940)

DISMISSAL-  
INSUFFICIENT  
SHOWING OF  
INTEREST

October 29, 2008

The services of the National Mediation Board (Board) were invoked by the American Train Dispatchers Association (ATDA or Applicant) on July 30, 2008, to investigate and determine who may represent for the purposes of the Railway Labor Act<sup>1</sup> (RLA), as provided by Section 2, Ninth, thereof, personnel described as “Supervisor - Commuter Operations (SCO),” employees of National Railroad Passenger Corporation (Amtrak or Carrier). The Transportation Communications International Union (TCU or Incumbent) is the certified representative of the craft or class of Clerical, Office, Station and Storehouse Employees on Amtrak.

The Board assigned Investigator Eileen M. Hennessey to investigate.

FINDINGS

The ATDA seeks to represent a craft or class of approximately eight SCOs employed by Amtrak in Florida as a result of a commuter service contract awarded to Amtrak in 2007. These SCOs operate three miles of track referred to as the New River Bridge corridor. The current Amtrak position description for the SCO position states that the employee, “[p]rovides day to day

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<sup>1</sup> 45 U.S.C. § 151, *et seq.*

supervision and authorization for the safe and efficient movement of all trains, track cars and issues other authorities within the assigned territory consistent with operating rules, policies and procedures.”<sup>2</sup>

The Board has consistently held that employees such as the eight SCOs at issue here, with the authority to control train movements within specific geographic areas and to control interlocking operations within that area, are part of the larger system-wide Clerical, Office, Station and Storehouse Employees craft or class. *National R.R. Passenger Corp.*, 31 NMB 178 (2004) (finding that Train Director, a position which performs similar duties to the SCO position, is part of the Clerical, Office, Station and Storehouse Employees craft or class and that Amtrak’s “Off-Corridor” operations are part of its larger system for purposes of representation); *National R.R. Passenger Corp.*, 21 NMB 301 (1994) (rejecting an application filed by ATDA for the eight SCOs controlling train movements in the San Francisco/San Jose/Los Angeles areas as a result of a commuter service contract because ATDA failed to meet the showing of interest requirement); *National R.R. Passenger Corp.*, 10 NMB 510, 517 (1983) (finding that Train Directors, “whose responsibility it is to route trains within a specified area” are within the Clerical, Office, Station and Storehouse Employees craft or class.)

Based upon the foregoing, the Board finds that SCOs are properly part of the system-wide craft or class of Clerical, Office, Station and Storehouse Employees on Amtrak. Accordingly, ATDA has failed to support its application with the required number of authorizations from employees in the craft or class as set forth in Part 1206.2(a) of the Board’s Rules. 29 C.F.R. § 1206.2(a) (2008).

Therefore, the Board finds no basis upon which to proceed in this matter and NMB File No. CR-6940 is converted to NMB Case No. R-7178 and dismissed.

By direction of the NATIONAL MEDIATION BOARD.



Mary L. Johnson  
General Counsel

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<sup>2</sup> The SCO position is also known as “Manager Commuter Operations.”