



NATIONAL MEDIATION BOARD

1301 K St NW, Suite 250E
Washington, DC, 20005

In the Matter of the Application of
BROTHERHOOD OF LOCOMOTIVE
ENGINEERS AND TRAINMEN

alleging a representation dispute
pursuant to Section 2, Ninth, of the
Railway Labor Act, as amended

involving employees of

NORTHERN OHIO AND WESTERN
RAILWAY

53 NMB No. 24

CASE NO. R-7684
(NMB File No. CR- 7272)

FINDINGS UPON
INVESTIGATION - AUTHORIZATION OF
ELECTION

April 24, 2026

This determination addresses the application of the Brotherhood of Locomotive Engineers and Trainmen (BLET) alleging a representation dispute pursuant to the Railway Labor Act (RLA), 45 U.S.C. § 152, Ninth (Section 2, Ninth).¹ BLET alleged a representation dispute among “Train Service, Engine Service and Maintenance of Way Employees” of Northern Ohio and Western Railway (Carrier). The applied-for employees are currently unrepresented.

For the reasons set forth below, the National Mediation Board (NMB or Board) concludes that the proper craft or class for the employees covered by the application is “Operating/Non-Operating Employees.” Accordingly, the Board converts NMB File No. CR-7272 to NMB Case No. R-7684; finds that a dispute exists; and authorizes an election among the employees in the Operating/Non-Operating Employees craft or class.

¹ 45 U.S.C. § 151, *et. seq.*

PROCEDURAL BACKGROUND

On January 26, 2026, BLET filed an application alleging a representation dispute involving Train Service, Engine Service and Maintenance of Way Employees at the Carrier. The application was given NMB File No. CR-7272 and John S.F. Gross was assigned as the Investigator.

On February 6, 2026, the Carrier filed the List of Potential Eligible Voters (List) that included a total of two individuals, and provided other information requested by the Board.

On February 9, 2026, BLET submitted an initial position statement on the issue of the appropriate craft or class for the employees covered by the application, as requested by the Board; and the Carrier submitted signature samples for the two employees on the List.

On March 16, 2026, the Carrier submitted a position statement on the craft or class issue and additional information requested by the Investigator.

On March 18, 2026, the Investigator requested further information from the Carrier and BLET. The Carrier submitted the requested information on March 27, 2026. On April 2, 2026, BLET responded.

ISSUE

What is the appropriate craft or class for the employees covered by the application?

CONTENTIONS

The Carrier contends the proper class or craft for the two employees is "Train and Engine Service Employees." Both employees are fully qualified and certified to perform locomotive engineer and conductor duties, and are cross-utilized in those functions. It would be improper to classify them as Maintenance of Way Employees because they perform only "minimal light track maintenance work which is secondary to their Train and Engine Service duties." Further, if the Carrier hired qualified Maintenance of Way employees in the future, "it would utilize the two employees at issue only as Train and Engine Service Employees and would not likely utilize them to perform maintenance work." Including Maintenance of Way Employees in the craft or class would improperly bind those potential future employees to representation by BLET.

BLET contends that the appropriate craft or class for the two employees covered by the application is a combined craft or class of “Train Service, Engine Service and Maintenance of Way Employees.” The Carrier is small and the two employees are fully cross-utilized to perform engineer, conductor and maintenance of way duties. The employees’ maintenance of way work is not “secondary” to their train and engine service duties, and the Carrier’s distinction between “light” and “significant” track maintenance work is no basis for excluding Maintenance of Way Employees from the craft or class. Moreover, how the two employees would likely be utilized if the Carrier hired Maintenance of Way Employees in the future is irrelevant to the craft or class determination.

FINDINGS OF LAW

Determination of the issues in this case is governed by the RLA, as amended, 45 U.S.C. § 151, *et seq.* Accordingly, the Board finds as follows:

I.

The Carrier is a common carrier as defined in 45 U.S.C. § 151.

II.

BLET is a labor organization and/or representative as provided by 45 U.S.C. § 151, Sixth, and § 152, Ninth.

III.

45 U.S.C. § 152, Fourth, gives employees subject to its provisions “the right to organize and bargain collectively through representatives of their own choosing. The majority of any craft or class of employees shall have the right to determine who shall be the representative of the craft or class for the purposes of this chapter.”

IV.

45 U.S.C. § 152, Ninth, provides that the Board has the duty to investigate representation disputes and shall designate who may participate as eligible voters in the event an election is required.

STATEMENT OF FACTS

The Carrier is a small, short-line railroad that operates over 25 miles of track between Tiffin, Ohio and Woodville, Ohio. It interchanges with Class I railroad CSX in Tiffin and Woodville, and with Class I railroad Norfolk Southern in Maple Grove, Ohio. The Carrier operates trains only on Mondays and Thursdays. It does not

operate trains on the other five days of the week.

In its rail operations, the Carrier employs two employees (the two employees on the List) to perform locomotive engineer, conductor and maintenance of way duties. There are no other non-management employees at the Carrier who perform that work, and the Carrier does not currently employ any other non-management operating or non-operating employees in its rail operations. Both employees hold a position titled “Locomotive Engineer/Conductor”; both are certified and qualified to perform locomotive engineer and conductor duties; and one is also a certified track inspector.

Employees in the Locomotive Engineer/Conductor role are certified as engineers and conductors. They are also accountable for the safe operation of trains, railcars, and equipment; and for ensuring compliance with Carrier operating rules, company policies, and Federal Railroad Administration (FRA) regulations. Additionally, they are required to maintain necessary certifications, including FRA Locomotive Engineer and FRA Conductor certifications.

According to the Carrier, the “core” Engineer and Conductor functions performed by the two employees at issue include:

- Operating locomotives and managing train speed, braking, and handling;
- Supervising train movements, freight, and crew activities;
- Operating track switches and confirming proper routing of rail equipment;
- Coupling and uncoupling railcars and locomotives;
- Applying and releasing hand brakes and other mechanical controls;
- Inspecting equipment and monitoring train conditions while stationary and in motion;
- Communicating with dispatchers, yard personnel, and other crew members via radio and hand signals;
- Receiving, relaying, and executing movement instructions;
- Coordinating the placement, pickup, and delivery of railcars;
- Preparing required reports, switch lists, and operational documents;
- and
- Ensuring adherence to all relevant safety rules, operating procedures, and FRA regulations.

When the two employees are not performing their “core” Engineer/Conductor functions, the Carrier utilizes them to perform “light non-technical maintenance work,” including:

- Visual inspections of main line, yard tracks, and switches;
- Removal of debris from switches;

- Lubrication of switches;
- Minor adjustments that can be completed safely without specialized equipment;
- Tightening of accessible hardware;
- Replacing signage;
- Inspection of drainage areas; and
- Inspection and reporting of conditions that require attention by qualified Maintenance of Way personnel.

According to the Carrier, although one of the employees at issue has a track inspector certification, when the Carrier's tracks require "significant" maintenance or maintenance that requires "specialized skills or equipment" it utilizes third-party contractors to perform that work. The Carrier neither trains nor allows the two employees at issue to perform maintenance on its track utilizing specialized equipment; and if it "were to expand its operations, it would likely utilize the two employees solely to operate its trains as the Engineer or Conductor," and "would not likely utilize them to perform maintenance work."

The two employees at issue work Monday through Friday, and work with each other each day. On Mondays, one of the employees works as a Conductor and the other works as an Engineer. On Tuesdays and Wednesdays, the two employees exclusively perform maintenance work on the track and right of way for which the Carrier is responsible. On Thursdays, the two employees switch positions on the train, with each working in the position in which they did not work on Monday. On Fridays, both employees exclusively perform maintenance work on the Carrier's track and right of way.

For the 60-day period immediately preceding the filing of the application (November 27, 2025 to January 25, 2026), there were 37 operational workdays during that time, excluding weekends and non-working holidays. During that period, the Maintenance of Way activities performed by the two employees involved routine inspections and minor upkeep tasks, including track inspections, minor adjustments, and reporting conditions that needed further attention. Each employee performed 14 days of train and engine service work (37.8% of the 37 work days) and 23 days of Maintenance of Way work (62.2%).

DISCUSSION

In determining the proper craft or class for a group of employees, the Board considers a number of factors, including functional integration, work classifications, terms and conditions of employment, and work-related community of interest. See *Carrollton R.R.*, 51 NMB 93 (2024); *Brownsville & Rio Grande Int'l Ry.*, 47 NMB 64 (2020); *Columbia & Cowlitz Ry./Patriot Woods R.R.*, 38 NMB 264 (2011) (*Columbia & Cowlitz*); *Florida Northern R.R.*, 34 NMB 142 (2007). The Board

makes craft or class determinations case by case, based upon Board policy and precedent. *See, e.g., Great Lakes Central R.R.*, 52 NMB 89, 92 (2025).

The Board recognizes that “historical patterns of representation in the railroad industry provide the basis for craft or class determinations.” *Terminal R.R. Ass’n of St. Louis*, 28 NMB 187, 199 (2000); *see Duluth, Missabe & Iron Range Ry.*, 16 NMB 495, 500 (1989). The Board, however, does not base craft or class determinations solely on historical patterns of representation. The Board has recognized that cross-utilization of employees across class lines presents difficulties in determining craft or class issues, and that on some smaller carriers, employees may work in more than one craft or class over a period of time. *See Florida East Coast R.R.*, 21 NMB 35, 44 (1993). “[O]n smaller carriers with a significant degree of cross-utilization,” the Board explained, “perpetuating historic crafts and classes could result in artificial fragmentation of employees along traditional craft or class lines which do not reflect the carrier’s actual operations.” *Id.* at 44. As a result, when a carrier is small and when its employees are cross-utilized, the Board may look beyond traditional craft or class designations. *See id.* at 45.

In *Bauxite & Northern Ry.*, 44 NMB 7 (2017), for example, the Board found a single “Operating and Non-Operating Employees” craft or class to be appropriate, noting the small size of the workforce and that the five employees covered by the application (in the positions of Engineer, Conductor, Switchman, Laborer/Truck Driver/Equipment Operator, and Lead Laborer/Foreman, Maintenance of Way) were significantly cross-utilized. The cross-utilization data showed that four out of five employees worked in more than one position, and two employees performed both operating and non-operating jobs.

Similarly, in *Columbia & Cowlitz*, the Board, noting the small size of the workforce (17 employees) and the significant cross-utilization among most of the employees, determined that a single “Operating/Non-Operating Employees” craft or class was appropriate. The employees at issue performed operating and non-operating duties—including operating locomotives, coupling cars, and maintaining tracks and facilities—and none of them performed duties exclusive to one traditional railroad craft or class. *See id.* at 272.

In addition, in *Eastern Illinois R.R.*, 43 NMB 35 (2015), all eight employees in the carrier’s workforce performed operating and non-operating work, which included the work of conductors; engineers; track supervisors and inspectors; mechanics; laborers; and signal maintainers. Approximately 90% of the time the employees performed work covered by their job titles, and approximately 10% of the time they performed work outside their job titles. Based on the small size of the carrier, the small size of the workforce, and the cross-utilization of employees, the Board found appropriate a single group of “Operating/Non-Operating Employees.”

Here, given the small size of the Carrier and its workforce (which is smaller than any of the workforces in the above-described cases) and the fact that the two employees covered by the application are significantly cross-utilized to perform both operating and non-operating work, the Board finds that the appropriate craft or class for the two employees is Operating/Non-Operating Employees.² Although BLET's proposed craft or class accurately describes the specific operating and non-operating work performed by the two employees, the Board has never combined operating employees with just one particular group or component of non-operating employees. As demonstrated by the above cases, Board precedent supports finding a single, combined craft or class of Operating and Non-Operating Employees.

With respect to the Carrier's claims that, if it were to expand its workforce in the future and hire qualified Maintenance of Way employees, it would utilize the two employees at issue here as Train and Engine Service Employees and would not likely utilize them to perform maintenance work, and that including Maintenance of Way employees in the craft or class would improperly bind those potential future Maintenance of Way employees to BLET representation, the Board finds those claims to be purely speculative and not relevant to the craft or class determination in this case. The RLA deals with the present status and interests of employers and employees and not speculation based on potential future developments. *See, e.g., Aloha Air Cargo*, 44 NMB 190, 193 (2017); *United Airlines*, 11 NMB 41, 43-44 (1983).

CONCLUSION

The Board finds that the appropriate craft or class at the Carrier is Operating/Non-Operating Employees. Accordingly, NMB File No. CR-7272 is converted to NMB Case No. R-7684.

Based on the authorization cards submitted by BLET, the Board further finds that a dispute exists regarding the representation in that craft or class, and the Board authorizes an election among the craft or class of Operating/Non-Operating Employees, employees of the Carrier, using a cut-off date of January 5, 2026.

Pursuant to Manual Section 12.1, the Carrier is hereby required to furnish

² The Board is unpersuaded by the Carrier's argument that the distinction between "light" or "minor" track maintenance work and "significant" maintenance work or maintenance work that requires "specialized skills or equipment" is a basis for excluding maintenance of way employees (or work) from the craft or class. Whether "light," "minor," or "significant," the maintenance work performed by the two employees at issue is maintenance of way work. Moreover, the Carrier's cross-utilization data shows that the two employees spend over 60% of their working time performing maintenance of way work. Therefore, there is ample justification for including the non-operating maintenance of way work in the craft or class.

within five calendar days, 1" X 2 5/8", peel-off labels bearing the alphabetized names and current addresses of those employees on the List of Potential Eligible Voters. The Carrier must print the same sequence number from the List of Potential Eligible Voters beside each voter's name on the address label. The Carrier must also provide to the Board the name and sequence number of those potential eligible voters on military leave who are serving in foreign countries or who reside outside of the United States. The Carrier must use the most expeditious method possible, such as overnight mail, to ensure that the Board receives the labels within five calendar days.

By direction of the NATIONAL MEDIATION BOARD.

A handwritten signature in black ink, appearing to read "Maria-Kate Dowling". The signature is written in a cursive, flowing style.

Maria-Kate Dowling
General Counsel