

The Second Division consisted of the regular members and in addition Referee Herbert L. Marx, Jr., when award was rendered.

Parties to Dispute: (System Federation No. 3 (59), Railway Employees'
(Department, A. F. of L. - C. I. O.
((Carmen)
(Louisiana and Arkansas Railway Company

Dispute: Claim of Employees:

1. That the Carrier's use of other than Carmen (outside contractor) to clear main line at Mile Post 126, Goldonna, Louisiana, March 12th and 13th, 1974, was improper under the controlling agreement.
2. That, accordingly, the Carrier be ordered to compensate the following seven (7) Carmen employed at Deramus Yard, Shreveport, La., three and one-half ($3\frac{1}{2}$) hours each at penalty rate for March 12, 1974; and eight and one-half ($8\frac{1}{2}$) hours each at pro rata rate for March 13, 1974.

G. P. Lazarus
R. P. Tyler
J. E. Glaze
W. W. Walker

P. H. Merritt
J. M. Downs
J. L. McCann

Findings:

The Second Division of the Adjustment Board, upon the whole record and all the evidence, finds that:

The carrier or carriers and the employee or employees involved in this dispute are respectively carrier and employee within the meaning of the Railway Labor Act as approved June 21, 1934.

This Division of the Adjustment Board has jurisdiction over the dispute involved herein.

Parties to said dispute waived right of appearance at hearing thereon.

At approximately 11:20 PM, on March 12, 1974, seventeen cars in one of Carrier's freight trains became derailed at Bridge 126.7. Sixteen of the cars were overturned at different angles on both sides of the main track, into and through a 100-foot trestle.

The nearest wrecking outfit stationed at Shreveport, Louisiana was engaged in Wrecking Service on March 12 and 13, 1974, at Morringsport, Louisiana and Rodessa, Louisiana. Carrier engaged an outside contractor with off-track equipment to move the wrecked cars away from the main line

Form 1
Page 2

Award No. 7159
Docket No. 7006
2-L&A-CM-'76

and trestle in order that necessary repairs could be made by Maintenance of Way forces.

It has long been held by this Division that a main line derailment creates an emergency situation requiring immediate attention. Carrier has discretion in clearing the main line for operation. See Second Division Awards 6840 and 6841.

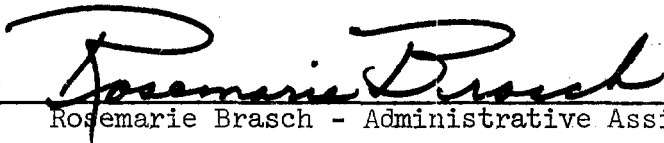
A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Second Division

Attest: Executive Secretary
National Railroad Adjustment Board

By


Rosemarie Brasch - Administrative Assistant

Dated at Chicago, Illinois, this 29th day of October, 1976.