

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Edward F. Carter—Referee

PARTIES TO DISPUTE:

**THE BROTHERHOOD OF RAILROAD SIGNALMEN
OF AMERICA**

THE BALTIMORE AND OHIO RAILROAD COMPANY

STATEMENT OF CLAIM: (a) That east and west bound distant signals and associated signal apparatus outside of interlocking home signal limits on the Baltimore and Ohio Railroad property located and a part of the interlocking plant at Uhrichsville, Ohio, falls within the scope of the agreement between the Baltimore and Ohio Railroad Company and the employees represented by The Brotherhood of Railroad Signalmen of America, dated August 1, 1939.

(b) That the maintenance and repair of these distant signals and associated signal apparatus specified in claim (a) at Uhrichsville should be assigned to the Signal Department employees of The Baltimore and Ohio Railroad Company who are classified and paid under the Agreement referred to in claim (a).

EMPLOYES' STATEMENT OF FACTS: About 1900 the Pennsylvania Railroad Company built an interlocking plant on its property at Uhrichsville, Ohio, where the Baltimore and Ohio main line, between Wheeling and Lorain, crosses the Pennsylvania Railroad main line between Columbus and Pittsburgh. Originally this interlocking included an eastward distant signal on the Baltimore and Ohio located approximately 1,000 feet west of the eastward interlocking home signal. There were no track or signal line circuits extending beyond the interlocking home signals on the Baltimore and Ohio.

In February, 1944, this eastward distant signal was removed and in operative distant signals were installed in both directions on the Baltimore and Ohio, without either track or signal line circuits. On or about September 18, 1945, these inoperative distant signals were replaced with operative distant signals located approximately 8,159 and 8,294 feet in advance of the respective interlocking home signal. These distant signals are controlled by levers in the interlocking machine at Uhrichsville which necessitated installation of signal line circuits and supports between the interlocking and the distant signals and in addition six (6) track circuits totaling approximately 4 miles were installed outside the interlocking home signal limits on the Baltimore and Ohio, together with considerable other associated signal apparatus.

The work in connection with changes made in October 1945, was performed by Baltimore and Ohio Railroad Company Signal Department employees and maintained by this same carrier's Signal Department employees until December 10, 1945 at which time the maintenance was turned over to the Pennsylvania Railroad and has since then been maintained by its Signal Department employees.

Westward approach and home signals and interlocking machine cannot conveniently be divided between Baltimore and Ohio and Pennsylvania Railroad signal department employees and, accordingly, should be maintained by the latter employees.

6. It is desirable in the interest of maximum efficiency in the operation of the interlocking machine and plant, together with the safe and expeditious operation of trains in Uhrichsville, Ohio, territory to continue the past arrangement of having Pennsylvania Railroad signal department employees maintain the present approach signals. This statement is particularly true in view of the fact that the Pennsylvania Railroad signal maintainer is located at Uhrichsville, Ohio, and is, therefore, immediately available to repair any signal trouble with the Eastward and Westward approach signals, whereas the Baltimore and Ohio Railroad signal maintainer is located at Massillon, Ohio, or 34.2 miles from Uhrichsville, Ohio.

In view of the foregoing the Carrier submits that there is no merit to the claim of the employees and it should be denied.

Exhibits not reproduced.

OPINION OF BOARD: About the year 1900 the Pennsylvania Railroad Company built an interlocking plant on its property at Uhrichsville, Ohio, where a main line of the Baltimore and Ohio Railroad crosses two main line tracks of the Pennsylvania Railroad. In 1944, inoperative distant signals were installed on the Baltimore & Ohio in both directions from the interlocking plant. Shortly before September 18, 1945, these inoperative distant signals were replaced with operative distant signals located approximately 8,000 feet in advance of the respective interlocking home signal. These distant signals were to be controlled by levers in the interlocking machine at Uhrichsville which necessitated the installation of signal line circuits and supports, and six track circuits totaling about four miles outside the interlocking home signal limits. The 1945 work was performed by the Baltimore and Ohio Railroad Signal Department employees and maintained by them until December 10, 1945, at which time the maintenance was turned over to the Pennsylvania Railroad Signal Department employees. It is the contention of the Organization that this maintenance work extending from the interlocking home signals to the operating distant signals belongs to the Signal Department of the Baltimore and Ohio Railroad and that their Agreement was violated when it was turned over to Signal Department employees of the Pennsylvania Railroad.

The interlocking plant was built and maintained by the Pennsylvania Railroad pursuant to an agreement with the Baltimore and Ohio Railroad. In 1945, when the new operating distant signals were installed, the signalmen of the Baltimore and Ohio Railroad did the work. They also maintained these distant signals including signal lines and track circuits until December 10, 1945, at which time the Pennsylvania Railroad resumed the maintenance.

The agreement for the construction and maintenance of the interlocking plant very clearly placed that duty upon the Pennsylvania Railroad. The question posed is whether the distant operating signals and the signal lines and track circuits between them and the interlocking home signals were a part of the interlocking plant within the meaning of the contract. We do not think they were for several reasons.

In the first place, an interlocking plant is ordinarily considered as that portion of the track of an interlocking plant between opposing home signals over which train movements are controlled by interlocking signals. We find nothing in that portion of the agreement which has been placed in evidence providing for the construction and maintenance of the interlocking plant that indicates an intent to vary this definition. The parties themselves appear to have had the same view of the matter when the new oper-

ating distant signals were installed and maintained for three months by the signalmen of the Baltimore and Ohio Railroad. The installations made were primarily for the benefit of the latter railroad. The Carrier asserts that it is necessary that the operation and maintenance of the operating distant signals be handled in conjunction with the interlocking plant. As to the operation this may be true, but as to maintenance it is not as is evidenced by the three month's maintenance by the signalmen of the Baltimore and Ohio Railroad which is not even claimed to have been unsuccessful. The agreement between the two railroads does not require the Pennsylvania Railroad to maintain the operating distant signals. It is limited to the interlocking plant.

The parties agree that if the Baltimore and Ohio Railroad was operating in this area under an automatic block signal system that the signal maintenance work would belong to the signalmen of that road. We can see no reason why the maintenance of the operating distant signals should be any different. In either case, a certain amount of integrated work is necessary.

In cases of this nature, closely conflicting questions of fact and interpretation should be resolved, if possible, in favor of the employes of the railroad on whose property the work is to be done. Employes of one railroad should not be permitted to perform work on another railroad to the detriment of the latter's employes unless it can be clearly shown that they are entitled to do the work.

We hold, consequently, that the signal maintenance work on the Baltimore and Ohio Railroad outside of the interlocking home signals at the Uhrichsville interlocking plant belongs to the signalmen of that road.

FINDINGS: The Third Division of the Adjustment Board, after giving the parties to this dispute due notice of hearing thereon, and upon the whole record and all the evidence, finds and holds:

That the Carrier and the Employes involved in this dispute are respectively carrier and employes within the meaning of the Railway Labor Act, as approved June 21, 1934.

That this Division of the Adjustment Board has jurisdiction over the dispute involved herein; and

That the Agreement was violated as charged.

AWARD

Claim sustained.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST: H. A. Johnson
Secretary

Dated at Chicago, Illinois, this 19th day of May, 1948.