

Award No. 18929

Docket No. SG-13682

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Don Hamilton, Referee

PARTIES TO DISPUTE:

BROTHERHOOD OF RAILROAD SIGNALMEN

**THE ATCHISON, TOPEKA AND SANTA FE
RAILWAY COMPANY — Coast Lines**

STATEMENT OF CLAIM: Claim of the General Committee of the Brotherhood of Railroad Signalmen on the Atchison, Topeka and Santa Fe Railroad Company:

(a) That the Carrier violated the current Signalmen's Agreement when it assigned employees not covered by the Signalmen's Agreement to maintain microwave equipment used to transmit TCS code between Bakersfield and Barstow, California.

(b) That the Carrier be required to compensate Signal Maintainers V. L. Hoss, E. Estrada, and O. P. Smith, with headquarters at Bakersfield, Edwards and Barstow respectively, at their respective pro rata rates of pay for an equivalent amount of time as that worked by employees of the Carrier who are not covered by the Signalmen's Agreement, but who are assigned to maintain the microwave equipment that transmits TCS code between Bakersfield and Barstow. This claim to commence sixty days prior to the time the claim was filed with the Carrier on September 28, 1960, and to continue until the Carrier assigns the work in question to employees covered by the Signalmen's Agreement. (Carrier's File No.: 182-118-9)

EMPLOYEES' STATEMENT OF FACTS: The Scope Rule of the current Signalmen's Agreement allots to employees covered by that Agreement the right to construct, install, maintain and/or repair the Carrier's centralized traffic control, including its appurtenances and appliances. The Signalmen's Agreement also states that signal forces will perform any work generally recognized as signal work.

Signal forces, until recently, have performed all work in connection with the apparatus used to transmit TCS code. For information of the Board, we point out that TCS and CTC are synonymous. Also, the Signal Section of the Association of American Railroads defines Centralized Traffic Control as:

"A term applied to a system of railroad operation by means of which the movement of trains over routes and through blocks on a designated section of tracks is directed by signals controlled from a designated point without requiring the use of train orders and without the superiority of trains." (Emphasis ours)

third shift, seven days per week, whose duties include the maintenance of (1) the radio station at Pisgah, (2) talk back speakers, automatic dial telephone system and intercom systems at Barstow, (3) radios on yard locomotives and all road locomotives and cabooses passing Barstow, including repairs of all such radios that have failed as well as the usual 4-month service checks, (4) the numerous radio pak sets and base station utilized by Mechanical Department inspectors at Barstow, (5) the microwave terminal at Barstow and repeater at Flash 2. During the month of October the Communications Department technicians at Barstow devoted only 18 hours to the maintenance of microwave.

Yours truly,

/s/ L. D. Comer"

The claimants named in Item (b) of the Employees' Statement of Claim were, as of the date the claim was initially presented to the Carrier, regularly assigned as Signal Maintainers with territories and headquarters listed below:

Name	Headquarters	Assigned Section or Territorial Limits
O. P. Smith	Barstow	MP 748 - MP 783
E. Estrada	Mojave	MP 783 - MP 818
V. L. Hoss	Bakersfield	MP 885 - MP 892.5

In their initial presentation, as well as in their subsequent handling of the claim in the instant dispute with the respondent Carrier, the petitioning Brotherhood's representatives failed to submit any information either as to (1) the nature of the maintenance work that is alleged to have been improperly assigned to and performed by employees other than signal employees, (2) the amount of time that was alleged have been devoted to such maintenance work or (3) the locations and dates on which such maintenance work was alleged to have been performed by other than signal employees.

(Exhibits not reproduced.)

OPINION OF BOARD: This is a dispute between Brotherhood of Railroad Signalmen and the Atchison, Topeka and Santa Fe Railway Company. It involves a third party question concerning the electrical workers.

Proper notice has been given and the requirements of the Union Pacific case have been met.

We are of opinion that Award No. 14924, adopted November 10, 1966, and written by Referee David H. Brown is controlling in this case.

Although we do not re-adopt all of the language of said opinion as our own, we do agree with the conclusion reached therein and cite the same as precedent for this case.

Therefore, based on Award No. 14924, this claim is denied.

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 not violated.

AWARD

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of THIRD DIVISION

ATTEST: E. A. Killeen
Executive Secretary

Dated at Chicago, Illinois, this 7th day of January 1972.