NATIONAL RAILROAD ADJUSTMENT BOARD

Award Number 22951
THIRD DIVISION Docket Number SG-22871

Joseph A. Sickles, Referee

PARTIES TO DISPUTE: (Brotherhood of Railroad Signalmen
(
(Southern Pacific Transportation Company
((Pacific Lines)

STATEMENT OF CLAIM: "Claim of the General Committee of the Brotherhood of Railroad Signalmen on the Southern Pacific Transportation Company:

(a) The Southern Pacific Transportation Company (Pacific Lines) violated the agreement, effective September 1, 1949 (including revisions to May 16, 1951) between the Company and the employes of the former Pacific Electric Railway Company represented by the Brotherhood of Railroad Signalmen and particularly the Scope Rule.

(b) Signalmen F. Suddarth, C. R. Moon, A. R. Powley and D. R. Rasmussen be allowed payment at their respective straight time rates of pay for eight (8) hours for December 15, 1977, when crossing protection at Congress Avenue was relocated by employes of the Southern Pacific Transportation Company." /Carrier file: SIG 152-373/

OPINION OF BOARD: The Organization points out that the former Pacific Electric Railway and the Southern Pacific Company merged several years ago, and are now part of the Southern Pacific Transportation Company. Further, it asserts that when the dispute arose, agreements covering signal employes of the mentioned railways had not been consolidated.

In December of 1977, signal forces in the employ of the f-r Southern Pacific and covered by that agreement relocated certain crossing protection devices at designated locations. The crossing protection devices had been installed by Pacific Electric signal employes and had always been maintained by those employes.

The Organization asserts that Carrier violated the Pacific Electric Scope Clause when it required employes covered by the Southern Pacific Signalmen's Agreement to relocate the crossing protection devices, and it cites the Pacific Electric clause:

"This Agreement covers the rates of pay, hours of service, and working conditions of all employes, classified in Article 1, engaged in the supervision, construction, installation, repair, reconditioning, inspecting, testing and maintenance, either in the shop or in the field, of any and all signal and telephone systems and/or interlocking systems, including all apparatus and devices in connection therewith, and such other work as is generally recognized as signal work."

The Carrier asserts that there were certain parallel tracks at the location; one of which was designated as Southern Pacific track, and the other was designated as Pacific Electric track. Wig-wag signals located on each side of the crossing were activated by trains approaching on either one of the two tracks. When the Pacific Electric trackage was abandoned, the signal related to those tracks was disconnected and removed by Pacific Electric signal employes.

In mid-December, 1977, it was necessary to move the wig-wag signal on one side of the grade crossing so that it would be nearer to the remaining Southern Pacific track, and Southern Pacific signal employes performed the relocation.

We have considered not only the facts which gave rise to the claim, but also the basic understandings of the parties and certain cited Awards. We are unable to find a basis for the claim.

As the moving party, the Organization has the obligation of identifying and establishing its claim by a preponderance of the evidence, however, we are unable to find anything in the record which suggests to us that the Carrier operated in violation of its contractual obligation concerning the signal equipment in question.

FINDINGS: The Third Division of the Adjustment Board, upon-the whole record and all the evidence, finds and holds:

That the parties waived oral hearing;

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.

A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST: A. W. Paulus
Executive Secretary

Dated at Chicago, Illinois, this 15th day of August 1980.