

Award No. 13148

Docket No. SG-13555

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

(Supplemental)

John J. McGovern, Referee

PARTIES TO DISPUTE:

BROTHERHOOD OF RAILROAD SIGNALMEN

**SOUTHERN PACIFIC COMPANY
(Pacific Lines)**

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

(a) The Southern Pacific Company violated the current Signalmen's Agreement effective April 1, 1947 (reprinted April 1, 1958 including revisions) particularly the Scope Rule, Rules 15 and 70.

(b) Mr. E. E. Whitney and C. M. Johnson be paid three (3) hours at their overtime rate of pay for June 29, 1961, account of employees not covered by the Signalmen's Agreement used to flag crossing 381.5 at Mojave, California, account of crossing protection damaged.
[Carrier's File: SIG 152-103]

EMPLOYEES' STATEMENT OF FACTS: This dispute is a result of the Carrier's action of assigning track forces instead of signal forces to flag a highway grade crossing during the time that automatic crossing protection devices that had been installed and maintained by signal forces were out of order and being repaired. The basic issue is whether or not signal forces have a contractual right to provide flag protection at a highway crossing after they had installed automatic highway crossing protection devices and during such periods of time that such devices are temporarily out of service or being repaired by signal forces. The same issue is involved in this division's Docket SG-12719.

The person providing flag protection under conditions similar to those involved herein not only protects the trains and highway vehicular traffic—he also provides protection for the signal employees while they are making the necessary repairs to the crossing protection devices.

The dispute involved in Docket SG-12719 is the forerunner of a group of similar claims. It was our opinion that, in order to avoid further burdening this tribunal, claims subsequent to that involved in SG-12719 should have been held in abeyance and disposed of on the same basis this Board eventually disposes of SG-12719, but the Carrier would not agree with the General Chairman's suggestion in this respect.

CONCLUSION

Carrier requests that this claim be denied.

(Exhibits not reproduced.)

OPINION OF BOARD: We find that this claim involves the same parties and question as that involved in Award No. 13143. Following our decision in that case, this claim will be 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 Employees involved in this dispute are respectively Carrier and Employees 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: S. H. Schulty
Executive Secretary

Dated at Chicago, Illinois, this 11th day of December 1964.