

**NATIONAL RAILROAD ADJUSTMENT BOARD**

**THIRD DIVISION**

George S. Ives, 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) when it failed and/or declined to apply the scope, hours of service, call, bulletin, assignment, seniority, loss of earnings, or other provisions of the agreement in not assigning recognized signal work to employees of the Signal Department. Such work being that performed by Assistant Trainmaster Wolfe in applying shunt cord to rails in the belief that this practice afforded protection for rail detector car ED-11 on August 28, 1963.

(b) Mr. R. T. Bates be paid nine (9) hours at his overtime rate of pay for August 28, 1963. [Carrier's File: SIG 152-142]

**EMPLOYEES' STATEMENT OF FACTS:** This dispute is a result of the Carrier's action of requiring and/or permitting an official to shunt track circuits. A track circuit is an integral part of a railway signal system. The Signal Section of the Association of American Railroads defines a track circuit as: "An electrical circuit of which the rails of the track form a part", refers to it as the most important link in the signal system, and states that it is the medium of connection between the moving train and the signal or other device provided for its protection.

In view of the fact that it is the position of this Brotherhood that shunting a track circuit is signal work covered by the Scope of the Signalmen's Agreement (a position that has been supported by this tribunal), the Local Chairman presented a claim for additional compensation for the Signal Maintainer on whose territory the work was performed. Mr. R. T. Bates, the claimant in this case, is the Brotherhood's Local Chairman who initiated this claim. He also became General Chairman before the claim was discussed in conference on December 11, 1963.

of Personnel, who denied the claim by his letter of December 13, 1963 (Carrier's Exhibit "E"), reading in part as follows:

"On August 28, 1963, Audigage rail detector car was engaged in testing, operating under protection of line-ups and under Rule 765-A of the Rules and Regulations of the Transportation Department. On one occasion during the day, at approximately 11:00 AM, a shunt wire was affixed to the track for a few minutes by an assistant trainmaster accompanying the rail detector to cause an indication on the CTC machine and thus indicate their location to the dispatcher. The application of this shunt applied was not in any way associated with the repair, testing, maintaining or any other work in connection with the signal system generally recognized as signal work, and in these circumstances there is no basis for the claim presented and it is denied."

12. By letter of December 18, 1963 (Carrier's Exhibit "F"), Petitioner's General Chairman rejected Carrier's Assistant Manager of Personnel's decision of December 13, 1963.

(Exhibits not reproduced.)

**OPINION OF BOARD:** It is agreed by the parties that this case is identical in all material respects to Award 14465. Accordingly, we adopt the Opinion therein as determinative of the issues in this dispute.

**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 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 27th day of May 1966.