

**NATIONAL RAILROAD ADJUSTMENT BOARD****THIRD DIVISION****George S. Ives, Referee**

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**PARTIES TO DISPUTE:****BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYES****SOUTHERN PACIFIC COMPANY (PACIFIC LINES)****STATEMENT OF CLAIM:** Claim of the System Committee of the Brotherhood that:

(1) The Carrier violated the effective Agreement when, on or about November 10, 1959, it assigned the work of constructing the subgrade for the Taylor Yard One Spot Car repair facilities at Los Angeles, California to a General Contractor, whose employees hold no seniority rights under the provisions of this Agreement.

(2) Each Tractor-Bulldozer Operator within the Track Sub-department on the Los Angeles Division be allowed pay at his respective straight time rate for an equal proportionate share of the total number of man-hours consumed by the Contractor's forces in performing the work referred to in Part (1) of this claim.

**EMPLOYEES' STATEMENT OF FACTS:** On or about November 10, 1959, the work of constructing the subgrade for the Taylor Yard One Spot Car repair facilities at Los Angeles, California was assigned to and performed by a General Contractor, whose employees hold no seniority rights under the provisions of this Agreement.

The work consisted of removing approximately 15,000 cubic yards of dirt and replacing approximately 11,600 cubic yards of fill material to form the subgrade for three inclined tracks, designated as tracks Nos. 4, 5 and 6, to facilitate the repairing of railroad cars.

In the performance of this work, the Contractor utilized two bulldozers and two tractor --- carryalls which the Contractor rented from another concern.

The employees holding seniority as Tractor-Bulldozer Operators on the Los Angeles Division were available and have heretofore performed work of a similar nature and character, using Carrier-owned bulldozers and tractor-carryalls.

**OPINION OF BOARD:** It is agreed by the parties that this case is identical in all material respects to Award 14468. Accordingly, we adopted the Opinion therein as determinative of the issues in this dispute.

**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 Claim is barred.

#### **AWARD**

Claim dismissed.

**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.