

Award No. 15155
Docket No. TE-13875

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

(Supplemental)

Nathan Engelstein, Referee

PARTIES TO DISPUTE:

TRANSPORTATION-COMMUNICATION EMPLOYEES UNION
(Formerly The Order of Railroad Telegraphers)

NEW YORK CENTRAL RAILROAD
(Southern District)

STATEMENT OF CLAIM: Claim of the General Committee of The Order of Railroad Telegraphers on the New York Central—Southern District that:

1. Carrier violated Agreement of December 30, 1952, when on October 11, 1961, it required telegraphers at Bellefontaine Tower, Bellefontaine, Ohio, to protect crossings at that location and failed to properly compensate said telegraphers for the monthly allowance.

2. Carrier shall pay an additional \$12.00 allowance to the telegraphers at Bellefontaine Tower for protecting the crossing at that location beginning October 11, 1961.

EMPLOYEES' STATEMENT OF FACTS: At Bellefontaine Tower, Bellefontaine, Ohio, the telegraphers assigned at this tower handle the gates and flasher signals at five different road crossings at Bellefontaine, Ohio.

No. 1 switch handles two crossings. No. 2 switch handles two crossings and No. 3 switch handles one crossing. The Carrier installed two push buttons as shown in this diagram, at High Tower, that raise and lower the gates. The telegraphers at High Tower are being paid \$12.00 per month for each of the three switches, but are being paid nothing for the push buttons that were installed in lieu of a switch. The two push buttons are used to raise and lower the gates that protect a short street which runs parallel to the railroad tracks and is known as McKinley Street. It runs between Columbus Avenue and Garfield Avenue.

No. 1 switch handles the gates and flashes where Garfield Avenue and Columbus Avenue cross the railroad of the New York Central. No. 2 switch handles the crossing where Chillicothe Avenue crosses the railroad tracks of the Carrier. No. 3 switch handles the gates and flashers where Columbus Avenue crosses the railroad of the Carrier.

additional compensation due operators for handling crossing protection, each of the three tricks of operators was allowed \$36.00 per month (3 switches @ \$12.00 per switch).

In order to forestall a complaint, which would have undoubtedly been registered by city officials, it was decided to permit southbound vehicular traffic on Columbus Street and Garfield Avenue to move via McKinley Street at times when those streets were blocked by a train standing on only the Indianapolis Line main.

OPINION OF BOARD: At Bellefontaine, Ohio, Telegraphers assigned to the New York Central tower handle short arm gates and flasher signals covering five crossings which are controlled by three switches. After the installation of these switches and the abolishment of the watchmen positions effective October 11, 1961, the towermen's compensation was increased to \$36.00 per month or \$12.00 for each of the three switches in accordance with the provisions of Rule 15.

Carrier later also installed two push buttons for the purpose of raising and lowering the gates that protect McKinley Street, a short street that runs parallel to the railroad track between Columbus Avenue and Garfield Avenue in order to permit traffic to move across McKinley street when a train is standing on the crossing.

Organization contends that the two push buttons constitute a switch and the Telegraphers therefore, under Rule 15, are entitled to an additional \$12.00 per month. It argues that when the gates on the west side of the track are raised and lowered by operation of the push buttons in order to let the traffic through, the gates on the east side of the track remain down, and thus the handling of the gates on the west side of the track at Columbus Avenue and Garfield Avenue constitutes a separate operation. It concludes the push button are in place of an additional switch.

Carrier takes the position that the push buttons do not constitute a switch but are part of the switch controlling the Columbus Avenue and Garfield Avenue crossing for which Telegraphers are already receiving an additional \$12.00 under Rule 15. It also asserts that no additional crossing is involved and hence Rule 15 is not applicable.

The record indicates that the push buttons were installed to facilitate the flow of traffic through McKinley Street when a train stops at the Garfield crossing. They do not involve an additional crossing or constitute an additional switch. The push button operations are incidental to and part of the process of controlling the crossing at Columbus Avenue and Garfield Avenue. The buttons actuate the short arm gates controlling McKinley Street only after the switch has been thrown to lower the gates and operate the flashers on both sides of the track.

Since we find these push buttons do not constitute a switch to control another crossing, Claimants are not entitled to additional compensation under Rule 15.

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 19th day of January 1967.