

Award No. 15623
Docket No. TE-14574

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

(Supplemental)

John J. McGovern, Referee

PARTIES TO DISPUTE:

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

THE PENNSYLVANIA RAILROAD COMPANY

STATEMENT OF CLAIM: Claim of the General Committee of The Order of Railroad Telegraphers on the Pennsylvania Railroad, that:

The following Regular and Extra Operators, listed below, be allowed each a call, for the dates shown account a Conductor and Brakeman listed for each date, did station himself at the crossover switches at Sizerville, Pennsylvania, a closed Block Station, and by the use of the telephone, secured permission from NR and JN to crossover Extra 8616 and Extra 8614 and Extra 8615 South from the Southbound No. 2 Track to the Northbound No. 1 Track, handled the Ground Switches at this location and gave hand signals to a train other than his own and after the Southbound Extras had crossed over, he did clear up these trains with the Operators at JN and NR Block stations:

Date	Time	Train	Eng.	Condr.- Bkman.	Train	Engr.	Claimant
10- 8-61	1:13 PM	BF-3	9646	Whitton	8616	Lewis	R. O. S. Smith
10- 9-61	8:36 AM	BF-7	9693	Windsor	8616	Marsh	S. Kennedy
10-11-61	5:53 AM	575	5707	Jackson	8616	Marsh	W. E. Bloom
10-11-61	8:49 AM	BF-7	9601	Wheaton	8616	Marsh	J. E. Price
10-15-61	11:17 AM	BF-7	9843	Davis	8616	Marsh	R. O. S. Smith
10-19-61	2:45 PM	BF-3	9695	Wheaton	8616	Lewis	G. A. Callahan
10-26-61	9:24 AM	BF-7	9847	Wheaton	8614	Marsh	F. W. Callahan
10-28-61	7:23 AM	AMA-BF-7	9564	Farley	8614	Marsh	S. E. Bloom
10-28-61	10:10 AM	BF-7	9561	St. Clair	8614	Marsh	S. E. Bloom
10-29-61	1:35 PM	BF-3	9841	Whitton	8614	Lewis	R. O. Smith
10-30-61	1:46 PM	BF-3	9519	Farley	8614	Marsh	E. C. Butler
11- 5-61	9:47 AM	BF-7	9505	Davis	8615	Marsh	N. D. Brown
11- 5-61	3:43 PM	BF-X	9645	St. Clair	8615	Marsh	A. J. Fitch

Violation of the Scope Rule of the Agreement.

Special Board of Adjustment No. 310, Docket No. TE-8413 and TE-9406 supporting.

EMPLOYEES' STATEMENT OF FACTS: Sizerville, Pennsylvania is located on that part of the Carrier's Northern Region Main Line extending from Harrisburg, Pennsylvania to Buffalo, New York. It is approximately 115 miles south of Buffalo. The time-table listing of the station points immediately relating to the claim area (north to south) is as follows:

Miles from Buffalo	
NR	103.1
Liberty	104.8
Keating Summit	107.6
Sizerville	114.9
Linore	120.4
Emporium	121.2
JN	121.3

NR and JN are open Block and Interlocking stations. Sizerville was closed as a Block Station August 18, 1947. Keating Summit was closed as a Block Station February 3, 1954. As may be noted from the Statement of Claim, the dispute involves the performance of communication work by other employes at Sizerville in connection with the movement of hill engines operating between Sizerville and NR Block Station. Details of the facts are set forth in the following exchanges of correspondence between the District Chairman and the Supervising Operator; the District Chairman and the Superintendent-Personnel; and the General Chairman and Manager, Labor Relations:

"Emporium, Pennsylvania
November 7, 1961

Mr. J. A. Hackenbracht
Supervising Operator-PRR
405 Seneca Street
Buffalo, New York

Dear Mr. Hackenbracht:

On the dates and at the time shown, Claim is hereby made for the following employes (also shown) that the Conductors and Brakemen listed for each date did station himself at the crossover switches at Sizerville, Pennsylvania, a closed block station, and by the use of the telephone, secured permission from NR block station and by the use of the telephone, secured permission from NR and JN to crossover Extra 8616 and Extra 8614 South from the Southbound No. 2 track to the Northbound No. 1 track, handled the ground switches at this location and gave hand signals to a train other than his own—and after they had crossed over, he did clear up these trains with the Operators at JN and NR Block Station.

Date	Time	Train	Eng.	Condr.- Bkman.	Train	Engr.	Claimant
10- 8-61	1:13 PM	BF-3	9646	Whitton	8616	Lewis	R. O. S. Smith
10- 9-61	8:36 AM	BF-7	9693	Windsor	8616	Marsh	S. Kennedy

as referred to in the Book of Rules, over which the trainmen handling the crossover movement have no jurisdiction.

We do not dispute the definition of a 'train' as such, or the fact that the helper engines here in question fall into that category for operating purposes. However, we do not agree that the helper engines have no relation to the trains they are instructed to assist, or that the trainmen involved have no control over the movement of the helper engine.

The crossover movement of the helper engine and its subsequent movement in coupling to the train is the very function for which the helper engine exists. A trainman of the train to be assisted can converse with the operator relative to the movements of his helper engine, and he can throw switches and give signals in effecting that movement.

It was your contention that Awards 8 and 19 of ORT Special Board No. 310 supported the instant claim. In the cases involving these awards, a trainman was not a crewman of the train involved. The facts present in those cases were not similar to those in the instant case.

You contend the helper engine is not a part of the train to which the trainman was assigned until it was coupled to his train.

This argument is not sound. The only purpose of the helper engine was to assist the train. When the helper engine reached the area where the assistance was to be furnished, the trainman properly handled the movement. Your contention that he could only do so after coupling onto the train is not supported by any rule, award, interpretation or practice.

Claims as submitted in the subject hereof are denied."

Therefore, so far as Carrier is able to anticipate the basis of this claim, the question to be decided by your Honorable Board is whether the actions of the Conductors or Brakemen of the northbound trains at Sizerville on the dates involved resulted in a violation of the Scope Rule of the Telegraphers' Rules Agreement.

(Exhibits not reproduced.)

OPINION OF BOARD: This dispute arose at Sizerville, Pennsylvania on Carrier's Northern region. It was the site of a former block station, which was closed August 18, 1947, and later destroyed. Sizerville is located on the south slope of Keating Summit Hill in main line double tracks territory. Because of the steepness of the grade, trains running north on No. 1 track frequently require the assistance of helper engines to ascend the grade. On the dates in question, northbound trains stopped at Sizerville to obtain assistance from helper engines approaching on the southbound No. 2 track. Upon arrival of the helper engines at Sizerville, conductors or brakemen of the northbound trains performed the following work:

1. Telephoned the Block Operators at NR and JN Block Stations for permission to crossover the helper engines from southbound No. 2 track to northbound No. 1 track.

2. Threw the hand switches and gave hand signals to complete the crossover movement.
3. Reported the movement to the Block Operators at NR and JN.

From a review of the record in this case, we are convinced that the helper engine becomes part of the train it was sent to assist when it arrives in the area in which the assistance is to be rendered. Hence, the trainmen properly handled the movement and the argument propounded by the Petitioner that they could perform the work in question only after coupling onto the train is not supported by any rule, award or practice brought to our attention.

We will deny the Claim.

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 16th day of June 1967.