

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 21607

Docket Number SG-20922

Lloyd H. Bailer, Referee

PARTIES TO DISPUTE: (Brotherhood of Railroad Signalmen
(Louisville & Nashville Railroad Company

STATEMENT OF CLAIM: Claim of the General Committee of the Brotherhood of Railroad Signalmen on the Louisville and Nashville Railroad Company:

On behalf of Signal Foreman, H. B. Williams, Signalmen P. Skinner, G. W. Brown, M. Coker and C. C. Dennes, Signal Gang No. 13, for eight hours' pay each at one and one-half times their respective rates of pay account Southern Railway signal forces installing electric lock and crossing gate on L. & N. property at the Southern-L&N crossing in Sylacauga, Alabama, on or about November 15, 1972. [Carrier file: G-304-12]

OPINION OF BOARD: At Sylacauga, Alabama there is a rigid railroad crossing consisting of respondent Carrier's (L&N's) branch line track and the single main line track of the Central of Georgia Railroad Company. The latter firm is owned and controlled by the Southern Railway Company. Prior to November 28, 1972, stop signs located at this crossing required trains of the respective Carriers to stop and be assured that the way was clear before proceeding, thus causing approximately a minimum of 15 minutes delay for each train.

Due to the expenditure involved, the L&N initially declined the Central of Georgia's proposal for joint installation of a signalling apparatus at the crossing to eliminate the necessity for each train to stop before proceeding to its destination, but ultimately the two Carriers agreed to an arrangement whereby the Central of Georgia would assume the entire cost of installing and maintaining a crossing gate normally set against the L&N. When the installation was near completion, a Department of Transportation Inspector ruled, in the interest of safety, that track circuits consisting of eight insulated joints--with necessary track connections and underground cable from such track connections to the Central of Georgia's relay case--would be required on L&N property. Respondent Carrier consented to the installation of the electric lock and related track circuits on its property, provided

the Central of Georgia incurred the expense thereof and the work involved, including the maintenance thereof, was performed by Central of Georgia's signal forces. Such installation work on L&N property is the subject of this claim.

Based strictly on the facts in this case and without construing the Agreement in any other dispute, we find the claim to be without merit.

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;

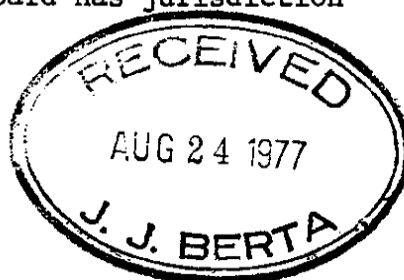
That the Carrier and the Employes involved in this dispute are respectively Carrier and Employes within the meaning of the Railway Labor Act, as approved June 21, 1934;

That this Division of the Adjustment Board has jurisdiction over the dispute involved herein; and

That the Agreement was not violated.

A W A R D

Claim denied.



NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

ATTEST:

A. W. Pauls
Executive Secretary

Dated at Chicago, Illinois, this 29th day of July 1977.