

Form 1

**NATIONAL RAILROAD ADJUSTMENT BOARD
THIRD DIVISION**

**Award No. 32921
Docket No. SG-32769
98-3-96-3-81**

The Third Division consisted of the regular members and in addition Referee Edwin H. Benn when award was rendered.

**(Brotherhood of Railroad Signalmen
PARTIES TO DISPUTE: (
(Terminal Railroad Association of St. Louis**

STATEMENT OF CLAIM:

“Claim on behalf of the General Committee of the Brotherhood of Railroad Signalmen on the Terminal Railroad Association of St. Louis (TRRA):

Claim on behalf of D. H. Wilkins, E. K. Hubbard, S. B. Witthauer, C. E. Rogers and V. G. Brandon for payment of eight hours each at their respective straight time rates, account Carrier violated the current Signalmen’s Agreement, particularly the Scope Rule, when it used other than covered employees to dismantle signal equipment at Poplar Street South Interlocking Plant on October 3, 1994, and deprived the Claimants of the opportunity to perform this work. General Chairman’s File No. 95-43-A-S. BRS File Case No. 9756-TRRA.”

FINDINGS:

The Third Division of the Adjustment Board, upon the whole record and all the evidence, finds that:

The carrier or carriers and the employee or employees involved in this dispute are respectively carrier and employee within the meaning of the Railway Labor Act, as approved June 21, 1934.

This Division of the Adjustment Board has jurisdiction over the dispute involved herein.

Parties to said dispute were given due notice of hearing thereon.

As Third Party in Interest, the Brotherhood of Maintenance of Way Employees was advised of the pendency of this dispute and chose to file a Submission with the Board.

The claim asserts that Union Pacific Maintenance of Way forces improperly dismantled signal equipment (a power switch) at the Poplar Street South Interlocking Plant in St. Louis, Missouri. The Union Pacific owns the track, signals, signal control equipment, signal cable and bridge structure at Poplar South Interlocking. The Carrier has maintenance and control of the Poplar Street South Interlocking Plant and bills the Union Pacific on a monthly basis for costs. At the time the Union Pacific personnel performed the work at the Poplar Street South Interlocking Plant, the Carrier's signal gang was committed to two other projects at Biddle Street and at MacArthur Bridge.

What this record comes down to is that while there is a joint facilities agreement between the Carrier and the Union Pacific covering the Poplar Street South Interlocking Plant, the Union Pacific owns that property and did work on its own property with its own forces. The Organization has not demonstrated that such conduct by the Union Pacific violated the Agreement between the Organization and the Carrier.

AWARD

Claim denied.

ORDER

This Board, after consideration of the dispute identified above, hereby orders that an award favorable to the Claimant(s) not be made.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

Dated at Chicago, Illinois, this 23rd day of November 1998.